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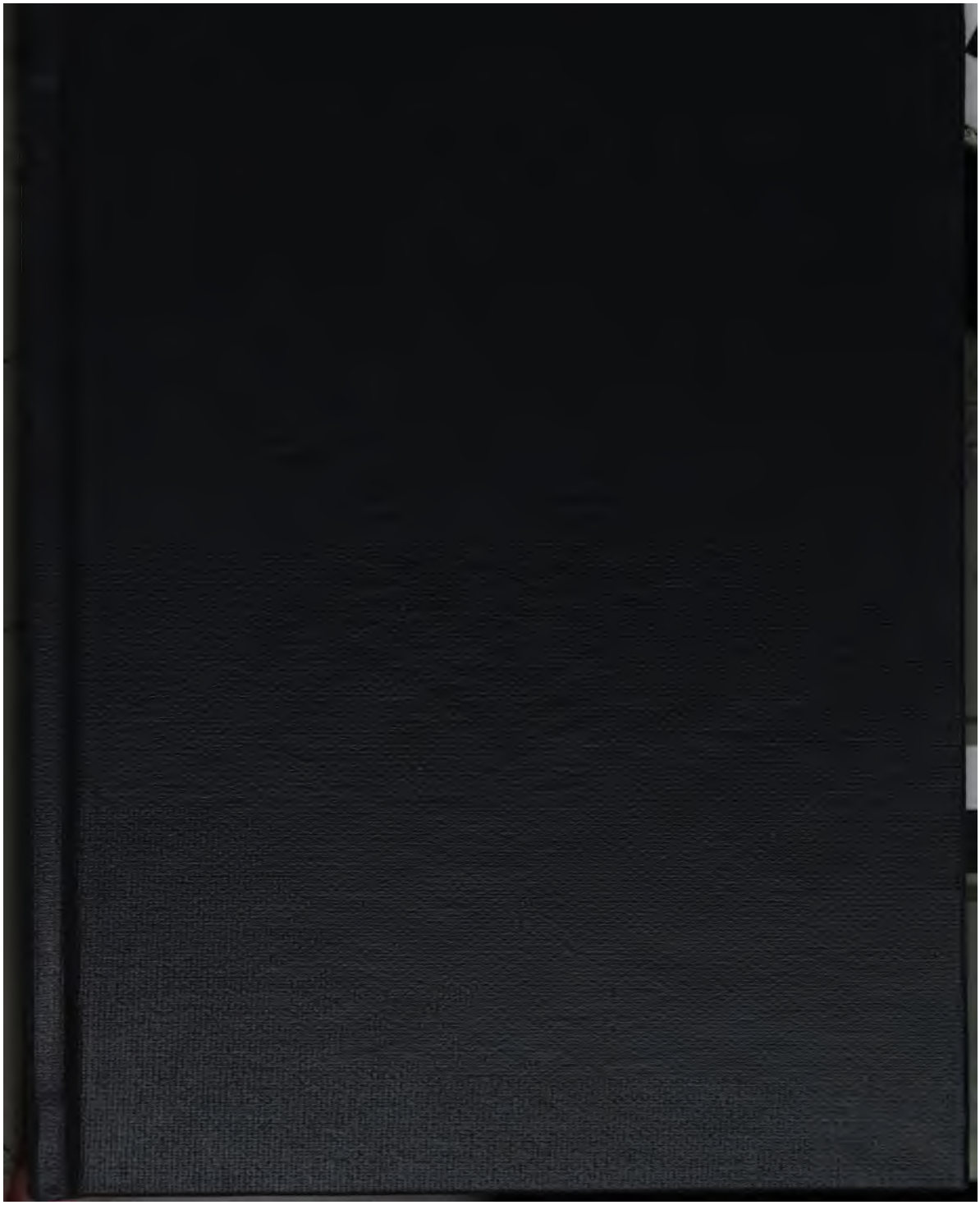

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W. 5825.12

WHO BURNT COLUMBIA?

PART 1st.

OFFICIAL DEPOSITIONS

OF

WM. TECUMSEH SHERMAN,

"General of the Army of the United States,"

AND

GEN. O. O. HOWARD, U. S. A.,

FOR THE DEFENCE;

AND

EXTRACTS FROM SOME OF THE DEPOSITIONS FOR THE CLAIMANTS.

FILED IN CERTAIN CLAIMS VS. UNITED STATES, PENDING BEFORE "THE MIXED COMMISSION ON BRITISH AND AMERICAN CLAIMS," IN WASHINGTON, D. C.

☞ Part 2d will contain the Rebutal Testimony yet to be taken.

CHARLESTON, S. C.:
WALKER, EVANS & COGSWELL, PRINTERS,
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1873

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TO THE PEOPLE OF THE SOUTH.

In publishing matter relating to suits still pending, and in the result of which we as Counsel are interested, we deem it advisable, in order that our motives may not be misconstrued, to state fully and frankly the reasons which actuate us.

The question, "Who is responsible for the burning of Columbia?" has been, against our will, drawn into and made part of several cases now before the Mixed Commission at Washington.

On the part of the United States, possessed, as it is, of great powers and unlimited resources, employing the ablest of Counsel, in all parts of the country, and with an almost inexhaustible treasury, it was a task not difficult to select from among its former immense military force, and place upon the witness stand, only those who did not hear the orders given for the burning of Columbia—those who did not see the pillaging—those who did not assist in the firing of houses—those whose faith in their successful General remained firm. Nor was it less easy, from among the former slaves of the residents of that beautiful city, to find witnesses ready to corroborate the testimony of their Northern friends.

On the other hand, the resources, pecuniary and otherwise, at the command of Counsel for individual claimants are but small. The witnesses of the Columbia tragedy of February, 1865, being then in great part "war-refugees," are now scattered to the four winds of heaven; and believing, as they blindly do, that it is a fact incontrovertible that Columbia was burnt by General Sherman, we can scarce paint in sufficiently strong colors, the difficulty in obtaining their evidence: although the decision of the "Commission" will, in all probability, be accepted by history as a correct verdict on the issue.

Again, although every member of the Adjudicating Tribunal deserves the thanks of the Southern people, for the patience and care, as well as undoubted honesty of purpose, with which they weigh and determine each point submitted; yet, as they are strangers to us and our people, we can scarcely expect that the testimony of our citizens, even of the highest standing at home, will, when only seen by the Commissioners in print. outweigh the evidence of the successful Generals and officials of the Capital, with whom they, by the very force of surrounding circumstances, must be better acquainted. To them, moreover, the testimony of the highest citizen and the lowest menial being in type, must be of equal credibility.

Under these circumstances, before a tribunal foreign to us, the task which we find in the line of professional duty forced upon us, of laying the liability for the Columbia conflagration upon the government of the United States is heavier than friends may imagine, and we have, therefore, thought it right and justifiable to place before the people of our Southern country, to whom the question is one of vital interest, such of the testimony of the two leading officers of the United States army, as relates to this question, with extracts from depositions for the claimants, so that the struggle made by the United States Government in its defence may fully appear; and, at the same time, to warn them of the importance of the judgment to be rendered, and to beseech them if one spark of patriotism is left to assist us in ferreting out the truth whatever it may be, and without delay to furnish us with all the rebutting testimony in their possession.

WALKER & BACOT,
AUGUSTINE T. SMYTHE.
SIMONTON & BARKER.

N. B.—Parties desiring to offer testimony, will please communicate with Walker & Bacot, Charleston, S. C., and a Commissioner will be at once appointed to take their testimony in the place where they may reside.

WHO BURNT COLUMBIA?

EXTRACTS FROM DEPOSITIONS FOR CLAIMANTS.

Extracts from case of J. J. Browne *vs.* United States:

Deposition of Wm. D. Stanley.

* * * * *

8th. Were you in Columbia on the night of the burning?

A. Yes, sir.

9th. By what means was the city burned?

A. By General Sherman's army of United States troops. I saw a man, with the uniform of a United States soldier on, enter the store of Mr. Robert Bryce, on the block immediately opposite where Mr. Browne kept his store, and with a fire-brand about four feet in length, wrapped on one end with canvas, put fire to the store of Mr. Bryce under the roof. All the buildings in that neighborhood were destroyed on both sides of the street. Previous to the general conflagration, I saw a number of soldiers pass me with tin cans and balls of cotton tied up with cord. In an hour or two the city was in flames. * * * A United States soldier told me himself that he set fire to Col. Clarkson's house. The United States soldiers were then all over the city. They appeared to have selected the northwest corner of every square on Main street, in the city, and fire broke out simultaneously from different portions of the city. The wind blew strong from the northwest at the time. Houses standing in detached grounds of from 3 to 40 acres were burned at the same time. There were no other soldiers in the city at the time, except the United States soldiers under General Sherman. * * *

A United States officer, who was a perfect gentleman, who was sick in my store, told me that the city of Columbia would be burned that night, which was the night of the 17th of February, 1865, and also explained to me the signals which would be used. I then sent for the mayor of the city and informed him of the fact. While standing in front of my place of business, General Sherman with a portion of his staff was passing, and the mayor stopped them, and told him that he had heard that the town would be burned that night. General Sherman replied: "Mr. Mayor, you can go home and make yourself perfectly easy; your city and citizens are just as safe as if there was not a Federal soldier within a thousand miles. They shall be protected, if it takes an entire corps of my army. I will avail myself of some day, when the wind is not so high, to destroy the Confederate property." He then rode on. On that night, notwithstanding this assertion, I looked out for the signals of which I had been informed by the sick officer, and saw them. Immediately after the signals the fire commenced at the northwest corner of every square on the main street. Before this the cotton had been set on fire in the middle of the street, but put out by the fire department. About 3 o'clock, on the morning of the 18th, General Sherman ordered his fire brigade to proceed to stop the fire and prevent its further extension. Very soon thereafter the fire stopped.

W. B. STANLEY.

Sworn to and subscribed before me, this the 7th day of February, 1872. ALBERT M. BOOZER,
U. S. Commissioner Circuit and District Courts for District of South Carolina.

Milo H. Berry, being duly sworn, deposed:

* * * * *

I was in Columbia in February, 1865, when the city was burned. * * * The first fire I saw, which was close to me, was set on fire by soldiers. I did not see the peti-

tioner's store burned, but suppose it was burned in the general conflagration. The place I saw set on fire was set on fire by soldiers wearing the uniform of United States soldiers. This was on the 17th February, 1865. * * * On the morning of the 17th of February, when the army of General Sherman entered, I came into the city, when I found that a committee of citizens had gone to surrender the city to General Sherman. This was about 8 A. M. Directly after, about 10 or 11 o'clock, A. M., the army entered. After the army came in, about 12 o'clock, I came down street to the old market, on the main street. There was cotton out in the street near the court-house. The wind commenced blowing a lively breeze, and the cotton took fire. The soldiers ran for the fire engines, when I met one of the firemen, and told him to open the engine-house, and told him to run out the hose carriage, that they did not need an engine. The citizens and soldiers ran out the hose carriage and put the fire out. I did not see any more fire until about 9 or 10 o'clock that night, and this was the warehouse before mentioned. According to my best of belief I presume there were one hundred bales in the street. The cotton was strewn along the centre of the main street for a considerable distance; the cotton was in bales. The wind kept freshening up all the afternoon. My observation in regard to cotton burning is, that it burns like a live coal; it does not blaze when packed. The last time I saw the pile of cotton mentioned was about 12 M. of the 17th. I think there were other piles of cotton in the street, but I am not certain in regard thereto, nor can I tell whether or not other cotton was burned, except the first above mentioned. About 5 o'clock of the morning of the 18th, or before, a guard was sent to me. I had, however, procured a guard before. I cannot say whether or not General Sherman's army, or any portion thereof, acted as an organized body in an effort to subdue the flames. General Hampton's troops left in the morning previous to the burning. They left fully four hours before I saw the cotton burning as before stated.

M. H. BERRY.

William Glaze., being duly sworn, deposed:

* * * * *

I witnessed the burning of Columbia. I know that the city was destroyed by General Sherman's army, because they were in the city at the time, and I saw persons in the uniform of United States soldiers setting fire to the city in various places. I saw two such persons fire Mr. Phillips' auction warehouse. They opened the door and threw balls, which they had set on fire, into the building, and in less than twenty minutes the building was in flames. This building was diagonally across from the petitioner's store. It occurred about 7 o'clock, P. M. All that part of the city caught directly after that—in about one-half of an hour. I saw several other houses fired, and among them my own building. I am speaking now of what I saw myself. I saw a building back of the old City Hotel fired by balls by persons wearing similar uniforms, whom I know to be United States soldiers, for they came into my own house. They burned my machine shop. There were about one hundred soldiers there at the time. They broke up the machinery and then set fire thereto; not, however, by balls as aforesaid, but by the broken boxes, etc., and oil poured on. In the course of a half of an hour the conflagration became general. Most of the burning was done from that time until about 3 o'clock next morning. I was a member of the city council at the time, and went with the mayor to General Sherman, when General Sherman promised the mayor that there would be no burning that night. I saw no efforts on the part of the United States soldiers to subdue the fire; but, on the other hand, I saw them endeavoring to spread it, and heard some of them remark that it was not half enough. It was on my way home from our conference with General Sherman that I saw Mr. Phillips' warehouse fired. I saw a sky-rocket sent up from the State House yard, where the headquarters of General Sherman were, which I took to be the signal

for the burning of the city, for immediately thereafter the fire burst out all over the city. Soldiers had been stationed at different points in the meantime.

* * * * *

WM. GLAZE.

Sworn to and subscribed before me, this 18th day of March, A. D. 1872.

ALBERT M. BOOZER,
U. S. Com'r for District of South Carolina.

John McKenzie being duly sworn, deposed:

* * * * *

I witnessed the burning of Columbia, on the main or Richardson Street. My own residence was burned. It must have been burned by bands of persons, and not by accident. I was a great part of the time about the fire on that night. * * * Between 9 and 10 o'clock that night, (night of the 17th February,) I observed fires on the western side and eastern side of Richhardson Street, toward the State House. About that time I saw fires out of the city, apparently three or four or perhaps six or eight miles distant, and in the suburbs. * * * Soon the fires became general—there were fires in the different parts of the city. We left the main street and went on the back street to Brennan & Cassell's carriage factory, thinking we could there prevent the fire from proceeding on in the back of the city; but there I gave it up, as the hands left. I saw soldiers during the time rushing about in and out of the stores. I noticed that after they came out several times, fires would soon break out from the store entered; but I did not see any of them put fire to any building, nor did I see them carrying torches; they did not aid me at night in stopping the fire; I have been for many years President of a fire company; I have been connected with the fire department for thirty years. From my experience therein, I

judge that the fire was the work of incendiaries and not of accident.

I explain this in this way: the fires occurred in twenty or thirty different places at the same time, and so far from each other that they could not have been connected. United States troops told me, in my store in the morning, that I would "see hell to-night;" that they wouldn't leave one store upon another.

The parties who made the remarks were United States troops, and belonged to General Sherman's army.

JOHN McKENZIE.

Sworn to, etc.

Extracted from Depositions in the case of Wood & Heyworth *vs.* The United States,

CHARLESTON, OFFICE OF U. S. COMMISSIONER, April 17th, 1872.

Reply to Interrogatories.

Alfred Huger sworn: Eighty-four years of age; resides in Charleston; I was Post-master at Charleston before the war, and I had held the office for thirty years; I was in Columbia, in February, 1865; I was there when the Federal troops entered the town. * * *

I had conversations with several officers, and with one who was called Captain; I don't remember his name. I had a good deal of conversation with him; and a day or two after the fire this Captain said, in answer to my question as to who had fired Columbia, "We did it." His saying so only confirmed my own impression. If he had said anything else it would not have shaken my belief and impression; and previously to the fire the general impression in the town was that Columbia was to be burned. Nobody was surprised when the fire broke out; and in consequence of this general

impression, I had taken what precautions I could to secure my family. I had conversation, at several times, with two private soldiers, named Goodman & Elliott. They stated that the fire had been done by the army.

ALFRED HUGER.

* * * * *

Sworn to before me, this 17th April, 1872.

JOHN F. PORTEOUS. *U. S. Com'r.*

W. B. Williams Sworn:

* * * * *

The officers of General Sherman's army told me that all cotton would be burned and all public buildings destroyed. This is all I know of General Sherman's ordering the cotton to be burned. The shed under which the cotton was stored was private property. Gen. Sherman's army took possession of Columbia at about 11 o'clock, A. M. At the time he came in, the city was under its civil officers, and was surrendered to him by them. The Confederate forces had left the city that same morning, and had held military possession until they left. My impression is, that Gen. Beauregard was in command. Gen. Wade Hampton held a position as one of the commanding officers. There was a good deal of cotton piled in the streets of the city prior to its occupation by the Federal forces, with the intention that it should be burned, and an order was issued to that effect; but none was burned before the coming in of the Federal troops, and the order was not obeyed, and a portion of the cotton was not burned until the last day of the occupation by the Federal troops, a portion was piled in Main or Richardson street, in the neighborhood of the old Courthouse; at this place there was about two hundred (200) bales; the rest of the cotton was piled in different parts of

the town, principally in and about the portion of town called Cotton-town. * * *

W. B. WILLIAMS.

Sworn to before me, this 15th April, 1872.
JNO. F. PORTEOUS, *U. S. Commissioner.*

To int. 1st. Orlando Z. Bates, aged 58 years, Columbia, South Carolina, merchant.

To int. 3d. The city was in the possession of Gen. Sherman's army after 10 or 11 A. M. on that day. Gen. Sherman was in command of that army, I saw him on that day as he entered the city and passed along the main street at the head of the main body of the army. I was at that time one of the Aldermen of the City of Columbia, and on the morning of the 17th February, A. D. 1865, was informed that the Board of Aldermen would meet at 6 o'clock, A. M. Attended, and was informed by the Mayor of the city that the city was about to be evacuated by the Confederate troops, and that it would be surrendered to the army of Gen. Sherman. In company with the Mayor, Hon. T. J. Goodwyn, and Alderman McKenzie and Stork, I proceeded to the outskirts of the city and met the advance guard of the Federal army, under command of Colonel Stone, to whom the Mayor tendered the surrender of the city, informing Col. Stone that there were no troops of the Confederate army in the city, and that the population was chiefly old men, and women and children. Col. Stone accepted the surrender, and deponent and the persons already named, accompanied by Col. Stone, returned into the city about 12 or 1 o'clock, when I observed a number of scattered Federal soldiers already in the city. There was no alarm of fire, and no burning of any description previous to the occupation already stated. The conflagration commenced after the entry of the United States forces.

To int. 4. A large portion of the city was destroyed by fire during the day and night of the 17th February, 1865, and on the following day. I was in the city, and

was at various points in that portion which was destroyed at the time of the burning, and saw the burning as it progressed. I saw the burning of several houses in the portion of the city lying between Main street and the gas-works, at about twilight on the 17th. A little later the store on Main street, occupied by an Aid Association as a depot of supplies for Confederate hospitals, near the corner of Plain street, was set on fire. I was present with the fire company, aiding to extinguish it, and saw Federal soldiers sticking bayonets into the engine hose, and cutting the same with hatchets and knives. The hose and carriage was finally demolished, and the engine rendered unserviceable by the soldiers. These fires preceded the general conflagration. I will also state that a quantity of cotton had been brought out of the cellars of stores, where it had been kept, on the east side of Main street, between Washington and Main streets, and piled in the middle of the street. As the troops passed it, I saw the cotton fired by them striking matches and applying. The cotton thus fired was kept from spreading by Mr. McKenzie, the Captain of the Independent Fire Company, having a hose attached to the hydrant at that point, and keeping a stream constantly playing upon it. This was during the afternoon of the 17th February. At about 8 or 9 o'clock, P. M., on the 17th February, I saw several rockets ascend from some point near the State House. Shortly after this my store, which was on Main street, a few doors south of the market, was set on fire, and immediately after this I saw fires arising in various parts of the city, and in a very short time nearly the whole of Richardson or Main street was in flames. I saw several instances of Federal soldiers actually applying fire to buildings, and others carrying torches in various parts of the city for the same purpose. I conversed freely with the soldiers of Gen. Sherman's army, both at the time of the burning and afterwards, and no one ever denied the act, but several expressed regret that the entire city was not destroyed. I saw numbers of them at the scenes of the burning, giving expressions and demonstrations of satisfaction by dancing and otherwise.

To int. 5. Every house from one square south of the State house to Upper Boundary street or Main street, which includes all the business houses, were burnt up, excepting one small house in the extreme northern portion of Main street. All the storehouses containing cotton were burned; and my observation was, that every bale of cotton in Columbia at that time was burned. The large warehouses in the northern portion of Main street, which were principally stored with cotton, were all burned.

Cross-examined by James A. Dunbar, Esq., counsel for the United States:

I was an alderman of this city at the time of its surrender.

Previous to the surrender the Confederate forces had occupied this city. They evacuated the city on the morning of the 17th February, A. D. 1865. I have no means of knowing who was in command of the Confederate forces in the city. Generals Beauregard, Joseph E. Johnston, and Wade Hampton, and General Law were here about that time. I saw them some days before the 17th, but not on that day. I saw infantry and cavalry of the Confederate forces leave the city on the morning of its occupation by the Federal forces. The cavalry which was called "Wheeler's," left in the direction of Winnsboro', at about 9 o'clock, A. M., and the infantry at an earlier hour, on the 17th. Prior to the leaving of the Confederate forces cotton was piled up and stored on the back streets of Columbia. One lot was piled in Richardson street, between Lady and Washington streets, about one hundred yards south of the Court house. There were about ten bales thus piled. This was the only cotton which I know to have been piled on Richardson street. The bales were ragged and in bad order. This cotton was not fired or attempted to be fired, according to my knowledge, prior to the evacuation by the Confederate forces, and was not burning until after the troops of General Sherman took possession of the city on the afternoon of the 17th. I first saw it burning about three o'clock of that day. It was not entirely

consumed at that time. It was extinguished first by the Independent Fire Engine Company, and then the hose was attached to the Hydrant, and ordered to be played on until the fire was entirely put out. No United States soldiers assisted in putting out this fire, as far as I know of. No cotton was piled on Richardson street, between Washington and Plain streets, nor between Lady street and the State house. These ten bales, or about that number, was all the cotton which I saw piled on Richardson street.

At the time I returned into the city, after surrendering the city to Colonel Stone, there was a strong breeze blowing from a westerly direction. When the wind did not carry the fire, I saw United States soldiers carry the fire by torches, and apply it to the buildings which were not then burning. I am unable to state of my own knowledge who started the fire in the first instance.

I do not know of my own knowledge that General Sherman, or any subordinate officer, issued an order (or orders) that the city should be burned. I never heard General Sherman say to Mayor Goodwyn that private property should not be burned. On Sunday morning, the 19th of February, 1865, I knew the United States soldiers to assist in extinguishing the fire at the residence of Adam Edgar, on Lady street, and in that neighborhood, and their efforts prevented the spread of the fire on that occasion. I do not know that Wood's division of Sherman's army were employed in the effort to extinguish the flames of the general conflagration on the morning of the 18th February.

At the time of which I have testified, I was not in the Confederate service.

Cross-examined by Wm. R. Bachman, Esq., Counsel for plaintiffs:

I do not know of any order being issued by General Sherman that any buildings in Columbia should not be burned; but I saw an order signed by a Colonel Williams, or some officer posted in the building known as the "Sword Factory," on Washington Street, to the effect

that that building was not to be burned; I read the order myself.

That building was not burned, but it was much damaged by the soldiers pulling off the weather-boarding. On the 18th February, a little before sunset, I called to see the officer of the day at his headquarters, on Plain Street, and, in his absence, was shown by the officer, who represented him, an order which forbade the firing of any house in the city, either by soldier or citizen, on the penalty of being shot. After this time, the fire occurred at Adam Edgar's, as I have before stated, and at other places. These fires were extinguished by the aid of the United States soldiers. I do not know of any assistance rendered by the United States soldiers in suppressing the fire on the day and night of the 17th of February. ORLANDO Z. BATES.

At about 11 or 12 o'clock that night, I saw a squad of United States soldiers enter my premises and apply fire to the out-building by means of some inflammable torches which they put to the buildings. I put out the fires so applied twice, and on the third time my residence and the neighboring dwellings were consumed. I saw the soldiers break in the door of the Washington Street Methodist Church, immediately opposite my own residence, and in a few moments after I saw the smoke and flames coming out of the doors and windows, and the Church was soon consumed. I was in the company of two United States officers at the time of this occurrence, and they with me witnessed it. After leaving my own house, at about 1 o'clock of that night, I saw a party of United States soldiers break into the residence of C. P. Pelham, on the corner of Washington and Bull Streets; I went to the door and saw these soldiers in the upper part of the building, and in a few minutes afterward I saw the flames break out of the upper part of the building, and it was soon burned down; I saw no other firing by soldiers during the night. MALCOLM SHELTON.

Extracted from Depositions in the case of David Jacobs *vs.* The United States.

Testimony of J. G. Gibbes.

* * * * * * *

The city was surrendered to General Sherman about 10 o'clock in the morning of Friday, the 17th February, by Dr. Thomas Jefferson Goodwin, the Mayor, about one mile from the limits of the town; he rode out to meet the army coming in, and the forces entered the city and took possession just at 11 o'clock; I noticed the clock myself as the first van arrived; no resistance was offered to General Sherman or his army; most of the Confederate troops left early on Friday morning; the rear guard, under General P. B. Young, of General Hampton's command, left just as the Federal troops were entering; no riots, fire, or pillage had yet occurred on the 17th day; the first fire commenced about three hours after the first entering; about 10 o'clock an alarm of fire arose, caused by the burning of some cotton in Richardson Street; it was set by the United States soldiers; my own impression is, that that fire was accidentally caused by a cigar being thrown into the cotton; the alarm of fire was started, the fire engines immediately began to play on it and subdued the flames; just about the time that it was extinguished, the United States soldiers began to riddle and to cut up the hose with their bayonets; I was present immediately at the fire, which occurred just south of the market; there was no disorder, though the troops all seemed in a good humor, and were laughing and jeering at those who had extinguished the flames, but opposed no resistance except a few drunken men cut up the hose, but the fire had already been extinguished.

Q. These drunken men were soldiers?

A. Yes, sir; and there was some sacking, but was not general; that is, between this fire and night; I saw several instances myself; my store, amongst the rest, was broken open by the soldiers; no officer present; about seven o'clock in the evening three or four rock-

ets were thrown up in the extreme northwestern portion of the town; immediately after that fire was seen in three different points in the northwestern part of the city; the flames spread rapidly from each of those quarters; there was a strong wind blowing from the northwestern towards the southwestern direction, which caused the general conflagration; there is no doubt but that the city was burned by the wind spreading the flames; but whenever they came to a vacant lot and the flames would have stopped, they were started on this side by the soldiers, who had inflammable materials, turpentine and cotton; I saw various of the soldiers with bottles, with some inflammable materials; I supposed it to be turpentine, with which they made fire-balls, and started the fire in buildings in that way; my father's house was burned by them after having escaped the general conflagration; it was a fire-proof building, and had escaped the flames; I saw them fire the furniture in the house, turn over the piano, tables, chairs, and starting the fire from lace curtains, which they lit from the gas lights; there was a crowd present at my father's house, who did his best to stop these proceedings, but was powerless; I did not see anything of the transportation of merchandise in vehicles or otherwise; no restraint was put by the officers, and no effort at all made until Saturday morning; no patrol or provost guard was to be seen suppressing the proceedings; the signals sent up were those already described, which were the signals for firing the town about seven o'clock in the evening.

Q. Whether immediately thereafter fires in various parts of the business portion of the city were about simultaneously started, and state such instances as you witnessed of the setting of such fires, how and where used and by whom done, whether any and what efforts were made by citizens to put out fires; whether on the 17th day an assistance was rendered them, and by any United States soldiers; whether the hose pipe was cut and any engine used in extinguishing the flames, injured by the United States soldiers within your personal knowledge; please state if you at any time knew or

heard of any order by General Sherman or his subordinate, on the 17th day of February, forbidding the plunder and burning of private stores, buildings and property; if such order was generally on said day known or promulgated, or if you heard of such an order issued after the conflagration had been subdued, on the 18th of said February?

A. Immediately after the rockets the fire started at three different points in the northwest part of the city, and extended very rapidly in a southeasterly direction; it was done by soldiers of General Sherman's army; efforts were rapidly made by the citizens; the engines were not turned out that night, because the hose had been cut when they were playing on the fire of the cotton at 1 o'clock in the day, therefore the engines were of no service, but there were buckets of water, and efforts were made to extinguish the flames by individuals until they were so interfered with by the soldiers that they found it useless and abandoned all efforts.

Q. Were the engines injured?

A. I think not, only the hose.

Q. Did you hear of any order, etc.?

A. I heard of no order; on the contrary, I have every reason to believe, from information derived from some of his own soldiers, that if the town was not actually destroyed by orders, the men fully understood that they would have license to do as they pleased; I can give my special reasons for saying that: for instance, a house belonging to me, occupied by Dr. Boozer, now physician of the penitentiary, was visited on Friday evening by United States soldiers, and in return for some kindness shown them by Mrs. Boozer, his wife, they kindly advised her to remove and conceal everything of value; that the town would be destroyed that night. She came to me and carried me to her house to see these men, who repeated in my presence these statements, but I could not believe it, and dissuaded her from any attempt to remove; I could not believe such a thing possible, but it turned out as they predicted.

Q. When were you appointed mayor?

A. The citizens had a meeting the morning after the fire, and sent for me in the State-house yard, and begged me to take hold of the government of the city. * *

J. G. GIBBES.

Sworn to, &c.

Extract from Testimony of Jos. Samson.

* * * * * * *

The soldiers entered the town about ten or eleven o'clock, A. M., and they began to pillage about two P. M.; and I saw colonels and captains with these soldiers while they were pillaging; and I saw no effort made by them to put a stop to these acts. I remained in Columbia until 1866, when I returned here to Charleston.

No cross-examination.

(Signed) JOS. SAMSON.

Sworn to before me, this 29th day of July, 1872.

[SEAL.] JNO. F. PORTEOUS,
U. S. Commissioner.

Extracts from Depositions in Graveley *vs.* U. S.

Deposition of John A. Civil.

John A. Civil, a witness for the memorialist, being duly sworn, deposes and says:

I was a resident of Columbia during the occupation of the city by the forces of General Sherman, in February, 1865. I witnessed the conflagration of said city on the night of the 17th of February, 1865, and the days following. I saw United States soldiers, officers being present with them, put fire to houses during that period. I saw a United States officer and file of soldiers set fire to a storehouse containing cotton on the morning of the evacuation of the city by the United States troops.

Cross-examined by Mr. Bauskett:

At the time I saw the United States soldiers setting fire to houses the officers present were not assisting them in doing so. I saw one officer attempting to put the fire out. He was the only officer out of them all that I saw attempt to do anything to stop the fire. The officers, when applied to by the members of my family, said they could afford no relief. The first fires which I saw was about seven or eight o'clock in the evening of the 17th of February. When the officers were applied to as stated, several houses in my neighborhood were on fire. There was a little wind at the time, but a strong wind prevailed later in the night.

JOHN A. CIVIL.

Deposition of Rowland Keenan.

Rowland Keenan, a witness for the memorialists, being sworn, deposes and says:

I am a resident of Columbia, and was present at the burning of Columbia, on the 17th February, 1865. I saw, during that burning, soldiers in the uniform of the United States setting fire to buildings in Cotton Town. At that time there were United States officers mingling in the crowd, and they made no effort to prevent the burning. I saw Federal soldiers set fire to the store-house belonging to Mrs. Law, at the corner of Upper and Richardson streets, in the city of Columbia. The house was filled with cotton, and the building and cotton were completely destroyed by the fire.

Cross-examined by Mr. Bauskett:

I saw a company of twelve or thirteen Federal soldiers, with torches in their hands, setting fire to several cotton houses in the upper part of Columbia, and there were five or six officers in that party. The streets were crowded with troops at that time. I did not see the

The examination of witnesses was proceeded with as follows:

Deposition of O. O. Howard.

The deposition of O. O. Howard, a witness produced, sworn, and examined on the part and behalf of the United States in the cause above entitled, now depending before the abovenamed Commission, taken before me, a United States commissioner in and for the District of Columbia, at Washington, in said district, on the tenth Day of December, 1872, pursuant to a notice to that effect duly given by the Agent and Counsel for the United States.

Mr. A. S. Worthington appeared on behalf of the United States; Messrs. George R. Walker, Bartley, Denver, Mackay, and Wells, on behalf of claimants.

The said O. O. Howard, having been first by me duly sworn to tell the truth, the whole truth, and nothing but the truth, deposes and says:

My name is O. O. Howard; my age is 42 years; my residence is District of Columbia; I am a native of Maine; my position is that of a General in the United States army.

Preliminary question propounded by the officer taking this deposition:

Have you any interest, direct or indirect, in the claim which is the subject-matter of the above-entitled cause, or of this examination? If so, state the nature and extent of such interest.

Answer. I have no interest.

Being examined by Mr. Worthington, of counsel for the United States, the witness further deposes and says:

Q. State what your rank in the United States army was in February, 1865?

A. I was Major General of volunteers at that time; I think I was not a Brigadier General in the regular army until March following.

Q. What was your command in February, 1865?

A. I commanded the army of the Tennessee, constituting the right wing of General Sherman's army.

Q. Operating in the State of South Carolina?

A. Yes, sir.

Q. Please state the principal points through which your command passed in the march from Savannah to Goldsboro'.

A. The principal portion of my command was transported to Beaufort, South Carolina; thence [marched] northward through Pocotaligo, Orangeburg, Columbia, Cheraw, Fayetteville; subordinate columns swept into different towns; General Slocum had the left wing; he was at the north of me; mine was the right line of march.

Q. During the march under what orders from General Sherman were you acting in respect to private property?

A. They were to take such provisions as were necessary for the subsistence of the army, but generally to spare private property, with some few exceptions; cotton was excepted; I was directly instructed again and again to destroy the cotton.

[Objected to by Mr. Walker, as the orders will show for themselves, they being the best testimony.]

A. (Continued.) I will put in evidence the orders I received from General Sherman, and the orders I issued on the subject, if it be desired.

Q. On what day did you enter the town of Columbia yourself?

A. The 17th of February, 1865.

Q. Please state, in your own way, your recollection of the circumstances attending the occupation of that city and the destruction of a portion of it?

A. On the 15th of February, in the vicinity of Columbia, opposite thereto, across the Congaree, we met with much resistance at Congaree creek, and had to push our way very slowly, the enemy retiring before us; when we arrived opposite Columbia we found the bridge across the Congaree destroyed by fire; we moved up to where the two rivers, the Saluda and the Broad, conjoined to form the Congaree; the bridge across the Saluda was destroyed by fire by the enemy; we bridged that and crossed our troops; the other

bridge, when we reached the land intervening between the two rivers, was still standing, but as we attempted to cross it it was set on fire by the enemy, and, having been covered with rosin, was in flames in a moment, so that even the Confederate cavalry rushed northward to save themselves, some of them without crossing; our troops spent the whole night in getting across the Broad, which was a very difficult river; we ferried over a brigade at the beginning by means of ropes and boats; that brigade was the brigade of Colonel Stone, and pushed its way up the hill slowly against the enemy, retiring; the enemy passed through Columbia, and the mayor came to the outside of the city and surrendered the city, I think between 10 and 11 o'clock, say 10 o'clock; in the meantime a regular bridge was laid across the Broad river, and General Sherman and myself crossed over, riding side by side, before any other troops from this leading brigade had passed; it was about half-past ten that General Sherman and I rode over ahead of all the remaining portion of the troops that had not been ferried over, and rode directly on to the city, a distance of about three miles, entering it in what we called the main street; I believe the name as it appears on the map, is Richardson street; it was the one which led directly to the capitol; at every corner of the street we met crowds of people, principally negroes; not very far from the market house we met the mayor of the city, who had a short conversation with General Sherman; as my troops alone were to have charge of the city, I observed very carefully the disposition of the guards of the leading brigade, Colonel Stone's; sentinels were located in front of buildings of any considerable importance, and on the main street the principal portion of the brigade was in rest, waiting for orders; there was only that one brigade; we were ahead of all the rest; near the brigade was an immense pile of cotton; bales were broken open in the middle of the streets, and were on fire; an engine was playing upon the fire, and soldiers and citizen were engaged apparently in extinguishing it; General Sherman was met with much enthusiasm by a company of

soldiers; observing them closely I saw that some of them were under the influence of drink.

Mr. Walker:

Q. Were these United States soldiers?

A. Yes, sir; there were apparently no others there; I ordered those that were drunk under guard immediately, and made every disposition necessary for the protection of property; we rode together past the market down to the railroad depot, called the Charleston depot, I think, on the road going from Charleston to Columbia; that depot was smouldering, having been burned by the rebel troops on evacuating Columbia.

Mr. Walker:

Q. How do you know that?

A. Only from the testimony of a great many who saw it.

[The statement of the witness as to the rebel soldiers having set the depot on fire, was objected to by Mr. Walker on the ground that the witness does not know it of his own personal knowledge.]

A. (Continued.) We rode to a foundry where guns had been cast, and observed that, and went afterwards through several streets together, when I separated from General Sherman, selected my headquarters, and gave the necessary orders for the thorough care of the troops and of the city for the night; General Sherman took his headquarters at the house of Blanton Duncan and I mine at a house near the University, belonging to one of the professors; after this disposition I lay down to take a little rest, and was awaked first about dark by one of my aids, who said the city was on fire; I sent the aid, Captain Gilbreth, immediately to ascertain where the fire was and to call upon General Charles R. Woods, the division commander, who had the immediate command of the city, to prevent the extension of the fire; I then at once dressed myself and went to the scene; there I met General John A. Logan, who was my next in rank and who commanded the corps; we consulted together, and took every precautionary measure we could think of to prevent the ex-

tension of the flames, sometimes ordering the tearing down of sheds and small buildings, protecting the citizens, assisting them in the care of their property, and guarding it; much of the property was thrown into the streets; personally I set a great many soldiers during the night to extinguishing the flames from the houses, and they went to the top of the houses where water was passed up to them; nearly everything in my immediate vicinity was saved; a perfect gale from the northwest had commenced about the time we crossed the bridge, or before that, and continued all night, or until, I should say, between two and three o'clock in the morning; it seemed at first utterly useless to attempt to stop the flames; they were so hot that many of our own soldiers were burnt up that night; when the wind changed, however, it was easy to prevent any further extension of the fire; it was done; some of our men behaved badly on account of being under the influence of drink, but they were replaced by fresh men as soon as their conduct came to the knowledge of the officer in charge; the first brigade—Stone's—was relieved by another brigade of General Wood's division, and finally the entire division of General Hazen was brought into the city to assist; all the men who misbehaved that we could seize upon were kept under guard until the next day and punished; there were quite a number of our men who had been taken prisoners and were held by the Confederates; they appeared in the streets of Columbia soon after our arrival; I do not know myself where they were confined; the penitentiary was also opened and all its prisoners loosed; I found during the night a reckless mob very often, sometimes insulting ladies, and sometimes rushing into houses and pillaging; I did not see anybody setting fires; General Sherman himself stayed up with us for the most of the night; General Logan and General Woods were on the ground all the time until the fire abated, and I believe did everything they could to prevent it? General Sherman's order to me to destroy certain classes of property is a part of our record, and I remember the tenor of it.

[Objected to on the ground that the record testimony should be produced.]

A. (Continued.) I would like to make it a part of my testimony.

Mr. Worthington:

Q. State your recollection of it, Gen. Howard?

A. It was that certain buildings of a public nature should be destroyed, such as arsenals, armories, powder-mills, depots; but that private property and asylums, so-called, should be protected; I saw that the wind was so high that it would be impossible to destroy that class of buildings by fire on the evening of the 17th of February, and, therefore, refrained at that time from putting the order into practical execution. On the 18th and 19th those buildings of that class that were left from the flames were destroyed. I have in my report an accurate list of them; the flames of this burning of the night of the 17th had destroyed a part of these other buildings included in the order. We destroyed also the railroad track. Though the order was to destroy cotton in South Carolina, yet no cotton remained that I know of after this fire to be destroyed; none was destroyed, according to my recollection.

Q. State what actual hostilities occurred near Columbia immediately before its occupation, if any?

A. We had very heavy resistance on the other side in the vicinity of Congaree Creek, and all the way along; we had also very heavy resistance in crossing the Broad—the last river—the enemy's troops being posted in a very covered position; we hardly could reach them; they annoyed our troops and killed many; there we had our sleeping camp shelled during the preceding night—the night of the 15th, if I remember correctly—from the Columbia side from a battery in the vicinity of Columbia; it excited the hostile feeling of the officers and soldiers very much indeed; they thought it was contrary to the rules of war. After we crossed the river there was scarcely any resistance; I think there was none in the immediate vicinity of Columbia after the Mayor met us.

Q. Do you know where these drunken soldiers obtained their liquor?

A. I know they obtained it in Columbia.

Mr. Walker:

I would like the witness to state how he knew this; whether it is hearsay or what?

The Witness. It was not hearsay; I know the troops obtained it in Columbia; I know they had not any until they went into the city; I have testimony—for I investigated very thoroughly—that citizens carried pails of whiskey along the ranks, and that the men of the leading Brigade of Col. Stone drank with dippers out of the pails.

Mr. Worthington:

Q. You have said that you made every disposition for the security of the private property immediately after your entry into the city; I wish you would state more particularly what measures you took for the security of private property?

A. The orders were general as to the manner of locating a brigade or a division in a city, and this brigade or division conformed to the general order; I saw them by my own observation, taking up a central place for the main portion of the brigade, and distributing different detachments to different parts of the city; locating sentinels very much as policemen are located in a city for its care; then I gave verbal instructions to General Charles R. Woods, General Logan not happening to be near me; they should have been given to General Logan, but I gave them directly to General Woods, and he, doubtless, reported my orders to General Logan; he, at any rate, obeyed the order; seeing some of these men in the first brigade under the influence of drink, my first order to him was to send in another brigade that had not had any drink, which he did; my next order went through General Logan, to send a division into the city, which was Gen. Hazen's division; General Logan himself took the immediate disposition of those two divisions; they were under his command and formed a part of it; he had four

divisions, and these were two of them; the sentinels I tested myself as to the orders that had been given them, and those in front of houses told me that they had orders to watch against all fires, or against any pillaging parties, and to see that no wrong should be done to private property where they were located; one or two executed the orders so thoroughly that after the fire had caught roofs they hindered people from going in, but those sentinels were at once replaced, as it was the effect of the whiskey which did that; I took pains myself, as did my staff, to go about and to see, as far as possible, that everything was done rightly as ordered, for it was a fearful condition of things, with such a fire, and with so many women and children in the city.

I would further say, to show our disposition towards the inhabitants, that though we were in war we left five hundred cattle for the people who had been burnt out, and who were without food, and also provisions, and had them carted to the State House, and we also assisted the mayor in a method by which he could get provisions from those outside the city.

Q. Were any applications made to you by the citizens before or during the fire for guards to protect their property?

A. Constantly.

Q. What was your reply to them?

A. I always sent them; where we had not soldiers immediately at hand, my aids themselves went; Lieutenant McQueen, one of my staff officers, stood sentinel the whole night, and protected the property of the Rev. A. T. Porter, of the Episcopal Church, and received his gratitude for it.

Q. Do I understand you to say that no cotton was burned in Columbia by your order?

A. None whatever.

Q. If this fire had not occurred, what would you have done with the cotton in Columbia?

Mr. Walker. I object to all answers to that question, and to all testimony elicited by it.

A. I had no specific orders to burn the cotton in Co-

lumbia, and I should not have burned it without consulting with the General-in-chief; if he had ordered it to be burned, I should have burned it; and if he had ordered it to be spared, I should have spared it.

By Mr. Worthington:

Q. Do you know anything about some rockets having been sent up in the vicinity of the State House on the night of the 17th of February?

A. I do.

Q. State what you know about that?

A. The rockets were sent up by the signal corps; the left wing was quite a distance from us. General Blair's corps was located outside of the city, and one-half of General Logan's, and it was customary for the signal officers attached to each division or corps to communicate with their neighbors as to where they were, or to give any events of the day; they did it in the day time by flags, and at night by rockets, and this was done that night; the signals meant nothing else that I know of.

Q. Do you know of any understanding before the occupation of Columbia, or after it was occupied, that it was to be destroyed?

A. On the part of whom?

Q. On the part of anybody?

A. By the officers there was a distinct understanding that it should not be destroyed, and those were the orders; that is, the private property, asylums, &c.; on the part of the men, I dont know anything about it; I have no knowledge whatever; they always had to obey orders; I think, perhaps, I had better finish with this, on the part those prisoners I have described, though it was only hearsay.

[Objected to.]

A. (Continued.) I will say this: there may have been such a plot on the part of the prisoners.

[Supposition objected to.]

Mr. Worthington:

Q. Did you hear anything from the prisoners themselves, or any of them, in that regard?

A. I did.

Q. State what it was?

[Objected to.]

A. A lieutenant of our army, who had escaped from the jail at Columbia, told me that when he mingled with the crowd, he thought that mischief was to be done; he said, being demoralized, before he was restrained by any officer, he mingled in with those who were doing mischief; not specially the burning of Columbia, but doing mischief such as soldiers do when they sack a town; I inferred from what he told me that the prisoners had no good will towards Columbia.

[Objected to on the ground that the officer of the United States army should be produced to testify for himself.]

A. (Continued.) I can ascertain his name; I know him, but his name has gone from my memory; my report, made at the time, was quite full, and I would rather have that as a part of the record than my simple statements from memory.

Q. Have you that report here?

A. I have a copy of it.

Q. Your retained copy?

A. My retained copy.

[Counsel for the United States offers to put in evidence General Howard's retained copy of his report to which he has just referred, to which Counsel for the claimant objects, and requests that a copy from the original on file at the War Department be obtained. Counsel for the United States therefore withdraws his offer.]

Q. Did you at that time keep a diary of these occurrences?

A. I did.

Q. Have you that with you?

A. I have.

Q. I will ask you to look at it, and read therefrom your notes of February 17, 1865?

[Objected to on the ground that the official report is the best evidence that can be given by the witness of the occurrences in Columbia.]

A. These are my official field-notes, from which I made my report. (Reading:)

NEAR COLUMBIA, S. C.,
Friday, February 17th, 1865.

Early this morning skirmishing commenced on the banks of the Broad river, and a force thrown over in boats. The enemy was soon driven from the banks of the river, and a pontoon commenced. Artillery was used by us, and the skirmishing continued, our troops advancing up the hills on the east bank till about ten A. M., when the Mayor of Columbia appeared to our skirmish line with a flag of truce, and formally surrendered the city.

The pontoon was soon finished, and the troops commenced crossing. General Wood's division, which had effected the crossing, were encamped about town. The remainder of the 15th corps was pushed out through the town and across the Charlotte Railroad, where they went into position, facing northeasterly.

The 17th corps commenced crossing the Saluda early this forenoon, and followed the 15th corps across the Broad. They are crossing the Broad to-night, and are taking a position on the left of the 15th corps.

General G. A. Smith had early in the day secured some boats, and had thrown some men over the Congaree river. These had advanced into the city and planted their colors about the same time with the pickets of the 15th corps.

The streets of the city were filled with burning cotton, which the very high winds was blowing about; from this is supposed to have originated a fire which broke out in the evening, and which swept over about one half of the city.

Another thing which may have started it, or which at least made it worse, was the fact that on the entry of our soldiers into the city, many of the citizens and negroes, in the hopes of conciliating our men, gave them a large amount of whiskey, which made the men totally unmanageable.

The brigade which was guarding the town (Colonel

Stone's) was immediately removed from the city, and another one took its place.

No wagons, except ammunition, were brought over Broad river to-night. The General commanding remains in the city to-night.

In this record, which must be more accurate than my memory, I notice it speaks of the removal of this brigade; I was thinking that it was not removed entirely when I gave my testimony.

Mr. Walker:

Q. Is that your handwriting?

A. No, sir, it is not; I very seldom made my own record, I dictated it; that was at my dictation.

Mr. Worthington:

You may read also your entry of February 18, 1865.

A. (Reading:)

COLUMBIA, SOUTH CAROLINA,
SATURDAY, February 18, 1865.

The wagon trains and everything belonging to the army moved into the city to-day.

The two corps are engaged in destroying the railroads and public buildings to-day. The General has been engaged all day in trying to alleviate the sufferings of the citizens burned out, &c. Escaped soldiers and officers, prisoners of war, keep coming in, having escaped from the enemy.

That record of the 18th February was not at my dictation; it was by my adjutant.

Q. But the one of the 17th you say was dictated by you; taken down by an amanuensis, I suppose?

A. Yes, sir.

Mr. Walker:

Q. What date did this dictation take place?

A. That record of the 17th was dictated on the morning of the 18th.

* * * * *

The witness was now examined as to Cheraw and Camden.)

* * * * *

Mr. Worthington:

Q. At any point in your march from Savannah to Goldsborough, did you order the destruction of any private property, cotton excepted?

A. I do not remember any; certainly none that would not have been taken for public use; if we met with whiskey in quantity, whether it was public or private property, we destroyed it to prevent the demoralization of our troops, and if we came across a large pile of corn that could have been used for the troops or the animals, and could not carry it off, we destroyed it; in one case we ordered the destruction of a pile of corn at some point, I think, between those two places, but I am not quite sure; I think I can state positively that there was nothing else, purely private, beside that, ordered to be destroyed.

Q. Is there anything else in this connection which you would like to state?

A. I would only say that the name of the officer, whom I have heretofore mentioned as an escaped prisoner from Columbia, is Captain E. M. Carpenter, 6th Pennsylvania cavalry.

Cross-examination:

By Mr. Walker:

Q. Do I understand you to say you were second in command in the city of Columbia?

A. I was second in command of all the troops; probably you would say principal in command in Columbia.

Q. General Sherman was the commanding officer of the army, was he not?

A. General Sherman was in command of all the troops in that vicinity; in all that region.

Q. Who was his second?

A. I was.

Q. Did General Sherman give instructions or orders except through his second in command?

A. He very often gave them.

Q. Through others?

A. To others; directly to the division commanders, and sometimes to company commanders.

* * * * *

(The witness here testified as to the burning of Orangeburg.)

* * * * *

Q. When you reached the Congaree river, I understand, you met a resistance; how many miles up the river then did you move from your first position opposite Columbia before crossing?

A. You misunderstood my testimony; it was Congaree creek, instead of Congaree river, where the severe resistance was first met; but from the place opposite Columbia, where we halted, it was three miles to the factory where we crossed the Saluda; Congaree creek, I think, is is some six miles below that making about nine miles from where we first struck Congaree creek to the factory; my memory is not very accurate about it.

Q. You met this resistance, then, six miles below Columbia?

A. The first resistance.

Q. The first severe resistance?

A. The first, I speak of; at the crossing of Congaree creek.

Q. When you were directly opposite Columbia did you meet with any resistance then?

A. All the way up.

Q. Did you meet with any hostility from the Columbia side?

A. Yes, sir, very severe; that was the worst shelling I saw.

Q. That was the night you were directly opposite Columbia?

A. Yes, sir; asleep in camp.

Q. Who was the General commanding the forces opposed to you?

A. Gen. Wade Hampton seemed to be in command.

Q. He fought you all along the line of the Congaree river, as I understand you?

A. General Butler was in immediate command of the troops that opposed us on that side of the river, but

General Wade Hampton was on the other side of the river—on the Columbia side, and had command of all the troops.

Q. Have you ever met General Wade Hampton since the war?

A. Yes, sir.

Q. Have you ever discussed with him the subject of the capture and destruction of Columbia?

A. I had a conversation with him on that subject.

Q. What was the date of that conversation?

A. I don't remember; I paid several visits to Columbia while I was in charge of the Freedmen's Bureau, and in one of those visits I had a conversation with him; I do not remember and cannot recall it.

Q. Was any one else present at the period of this conversation?

A. Yes, sir; I think it was General R. K. Scott; some one was there.

Q. No one else?

A. I do not remember.

Q. Was there any one there to take down the conversation?

A. Not that I know of; it was a mere informal conversation; there was nothing pending; we were merely talking as two officers do.

Q. You were not aware that there was a newspaper reporter taking down the conversation at the time?

A. No, sir, I was not; if I had I would not have opened my mouth.

Q. Do you know Mr. De Fontaine?

A. No, sir; I never saw him to my knowledge.

Q. Do you remember what you said in the course of that conversation?

A. No, sir; I don't recall it; but I feel perfectly sure that I said about what I have said in my official report; we might have conversed about some details that are not in it.

Q. Did you admit or state, in the course of that conversation, who destroyed Columbia on the night of the 17th of February, 1865?

A. Yes, sir; I think I stated that the Confederate troops set it on fire.

Q. That the *Confederate* troops set it on fire?

A. Yes, sir; I think so; that was the matter of discussion between us.

Q. You did not admit that it was the Federal troops, excited by drink, that did it?

A. I may have said this; that doubtless men excited by drink set fires.

Q. But not your men?

A. I didn't say our men set them.

Q. You did not state, then, or at any other time, that it was your belief that the United States soldiers set fire to Columbia; you positively swear that?

A. I do not wish to make a direct answer to that question, because——

Q. I would like a direct answer, General?

Mr. Worthington. Let the witness finish his answer.

The witness. I do not like to make a direct answer, because I have often said that I thought some of this crowd of stragglers, in which were soldiers from different parts of the army that had come into the town and from the jails, as I have described, set fires; I have said that I believed they did that under the influence of drink; but not that they primarily set the city on fire; I have never said that, neither do I believe it.

Q. About what hour of the night of the 17th of February was it that you arrived at the scene of the conflagration?

A. Just after dark, when it was first reported to me.

Q. Do you know of your own knowledge—not from hearsay—that there were any United States prisoners in the penitentiary at Columbia on the night of the 17th of February, or the day previous?

A. I know of my own knowledge that Captain Carpenter was a prisoner, and that I put him on my staff in order to take care of him, and that he came with me all the way North; I do not know of my own personal knowledge of any other prisoner except by official reports.

Q. did these prisoners wear the United States uniform?

A. Generally they had some of it left; the pants were almost always blue.

Q. They were rarely fully equipped in uniform?
A. No; very seldom.
Q. Did you see the rockets fired previous to the conflagration, or at any time after that period?
A. I did not see them.
Q. Then you know nothing about them except from hearsay?
A. I had a signal officer on my staff who was engaged in throwing them up, and so reported to me; that was the best evidence in the world to me.
Q. The best evidence then would be the official reports?
A. Yes, sir.
Q. All of which are filed in the War Department?
A. Yes, sir; or the testimony could be obtained of this officer, whose name I have.

Mr. Worthington:
Q. State his name?
A. First Lieutenant J. P. Sampson, signal corps, United States army.

Mr. Walker:
Q. Do you know of any barns, cotton-gins, mills, machinery, or any property of that nature, destroyed upon plantations on your line of march?
A. I do know of it.
Q. There was quite a large amount of it destroyed, was there not?
A. Yes, sir, quite considerable.
Q. Are you cognizant of the fact that large numbers of houses of private citizens were destroyed during that march?
A. Yes, sir, there were—a very large number.
Q. By troops of the United States?
A. That I do not know, but I presume so; by soldiers.
Q. You presume they were destroyed by the troops of the United States?
A. Yes, sir.
Q. Please state whether your experience was——
A. Let me modify my last answer; sometimes they were not destroyed by our troops; sometimes the Con-

federates destroyed them themselves prior to our coming; it was a curious thing that our troops and the Confederates were often destroying the same class of property; that was a curious fact that I remember distinctly, particularly in the case of that cotton you speak of.

Q. Are you not aware that in parishes close to Pocotaligo there is scarce a dwelling-house left from the ravages of the United States army?

A. Not altogether; no, sir; but from both armies; I am perfectly aware of the desolation, and beheld it with my own eyes.

Q. Do you not believe a large portion of this destruction of private property to have been by troops of the United States?

A. No; I think the Confederates left us precious little.

Q. Of residences, I mean?

A. Well, residences; that one thing alone I could not say of my own knowledge; you know that generally when our troops destroyed private property, they were not *ordered* to destroy it.

Q. I ask you to state from your belief?

A. If you wish me to state what I know with reference to the absolute destruction, I know that I saw it with my own eyes; I saw chimneys standing after the houses were burned.

Q. I ask you to state from your belief; do you or do you not believe that a large number of residences, gins, and other private property were destroyed on the line of march and by offshoots from the main army—columns, brigades, and companies?

A. I believe there were; often by army followers and by army preceders; a set of scoundrels used to precede the army often, and pretend to belong to it; I wish that fully stated, because I can give you one case where three men, nothing but common robbers, preceded the army, pretending to belong to Sherman's army, went into a house, piled up the furniture in the middle of the floor in the parlor, set it on fire, frightened the people, and made them give up their silver,

gold, and everything they had; those did not belong to the army; then there were scoundrels who followed the army who were very much of the same stamp.

Q. But do you not believe that there were officers in company with the troops who destroyed such property?

A. Oh, no; I never knew but one case of an officer; I found one officer once robbing a private house and stealing jewelry from a drawer; I had him instantly arrested, and would like to have had him hung.

Q. Do you not know that much more property was destroyed in South Carolina on the line of march than was destroyed in Georgia?

A. Yes, sir; much more, and much more than in North Carolina, that was true.

Q. Do you not know that there was a sort of vengeance animating the army?

A. Yes, sir; I think there was.

Q. Which was wreaked upon South Carolina?

A. I have no doubt of it; not the least.

Q. Do you not know that the officers were often in unison with the men?

A. That I do not know.

Q. What do you believe?

A. I think not.

Q. Not the superior officers; I do not mean them?

A. I think even no subordinate officers, unless they had been prisoners; there were a great many who had been prisoners; there were a great many who had been prisoners in South Carolina, and they were particularly hard; I can give you one instance that occurred; a poor prisoner had been hunted by dogs and his arms were considerably torn; his wounds had healed so that he went back to his duty, but whenever he saw a dog, no matter of what kind, he would kill him—shoot him down at once; there was a spirit of vengeance animating all those men; that I had evidence of continually.

* * * * *

(Here the witness testifies as to the arming of the colored troops.)

* * * * *

Q. Now, coming back to Columbia; the Saluda is the further river and the Broad the nearest?

A. The Saluda is the one to the west and the Broad the one to the east—the eastern branch.

Q. After you crossed the Broad did you meet with any resistance?

A. Oh, yes, our troops did.

Q. After getting the whole army across?

A. Yes; a very severe resistance, indeed, until they were dislodged; when they were dislodged they retreated and ran straight through the city as fast as they could go, and the mayor came out and surrendered the city.

[See note at end of deposition with reference to this question and answer.]

Q. Was this resistance in the night or morning?

A. It was all night and from daylight until about 9 o'clock; perhaps between 8 and 9.

Q. Then fighting occurred from daylight until 9 o'clock?

A. I could'nt say exactly the time; I should say between 8 and 9.

Q. Daylight of the 17th do you mean?

A. Yes, sir; of the morning of the 17th; when they were dislodged from their position they retired without any further fighting.

Q. How far out from the city did the mayor go to meet you?

A. He met me in the city.

Q. How about the advance guard?

A. He met Colonel Stone outside of the city, so Colonel Stone reported.

Q. How far outside?

A. I do not think he states in his official report.

Q. Then you depend for that information upon Colonel Stone's official report?

A. Yes, sir.

Q. Do you know of any resistance whatsoever after the surrender of the city?

A. Do you mean in the immediate vicinity of Columbia?

Q. I do.

A. None whatever.

Q. Were you under any fear of an attack while you were in the city of Columbia?

A. No, sir; we knew too well the location of the enemy's forces to be under any great apprehension. There was only cavalry in our immediate vicinity, and we were never very much afraid of them.

Q. If, therefore, it should be decided (taking it for granted for argument's sake) that Columbia was destroyed by the United States troops, it was not a military necessity?

A. I did not then, and do not now, regard it a military necessity to destroy Columbia, if you mean the entire city; there are always certain public buildings, such as powderhouses, arsenals, places where Confederate money was made, public depots, and such things, that I would regard it as a necessity to destroy; but that did not involve the destruction of the city.

Q. That might have been done so as to destroy the residences of the poor?

A. Yes, sir; certainly.

Q. Was it not understood by the officers in command, inferior to yourself, and by officers generally throughout the army, that cotton was to be destroyed when found?

A. It was the order.

Q. You required no specific order to destroy any individual lot of cotton?

A. No, sir.

Q. Any officer finding cotton was authorized by general orders to destroy it?

A. I do not like to give a direct answer of yes to that question, because I do not remember the terms of the order; but I do remember the method of acting under the orders that General Sherman gave me; the orders, of course, will speak for themselves; he directed me to destroy the cotton in Georgia and South Carolina as a military necessity, as the Confederates depended more on it for their means of existence, subsisting their forces, and continuing the war, than upon anything

else; I had that order, and gave that order to General Logan and to General Blair, but I do not think they extended that order to every subordinate officer to destroy anything at his discretion; I think the corps commanders kept the manner in which it was executed more under their direct supervision than to order every officer to destroy at his will; with reference to public property, General Sherman told me what public property he wished me to destroy, and yet he gave me a specific order whenever we came to any place like Columbia, and that order is matter of record.

Q. If any Colonel under your command had reported to you that he had found cotton and had destroyed it, would you have reprimanded him?

A. I most certainly should if I had restrained the execution of the order to the corps commanders; I should have first asked him if he had instructions to do it; if he said yes, of course I would have no reprimand for him; but, as I say, if he did it at his own option, when I had restrained the execution to the corps commanders, I certainly should.

Q. You say if you had restrained its execution; you put a hypothetical case; I want the case as it was?

A. I say it was a matter of record; I would rather see the order before speaking; I do remember the method in which it was executed, as I stated it to you a little while ago, but I don't recollect the wording of the order.

Q. I want to know what your action was upon any report to you of the destruction of cotton?

A. So far as my recollection goes, cotton was destroyed under the supervision of a staff officer of the corps commander, and when it was reported to me, I had a careful record made of it, and have retained the exact amount that was destroyed by my command.

Q. What commands the staff officers gave to their inferior officers, you do not know; you do not know whether they retained this matter entirely under their own jurisdiction?

A. The operation was this; if it required a company or a regiment to do it, the staff officer went with the

command and saw the thing executed, and when it was done came back and reported to his corps commander, who made his daily report to me; I made a record of those reports, and here (referring to diary) is the result of the record; "number of bales of cotton destroyed 15,000."

Cross-examination by Mr. Bartley, appearing for claimant, Henry S. Jacobs, No. 163. (Note.—Judge Bartley did not appear until the direct examination of the witness had been concluded.)

Q. You have spoken of the hostile feeling which the army manifested towards South Carolina as a State; was that manifested before you reached Columbia; was that state of feeling known to exist?

A. I noticed the first indications of it at Beaufort, South Carolina.

Q. Was that before you reached Columbia?

A. Yes, sir; we were first transported across from Savannah to Beaufort; that was the first place we reached; I noticed it at Beaufort; they were all Northern men at Beaufort, but our troops did not seem so to understand it.

Q. With a hostile state of feeling running through the army with reference to South Carolina, was it not manifest that upon the army taking the capital of the State it would be burned?

A. I do not think I noticed anything more there than all the way along.

Q. From the state of feeling manifested, was it not *reasonable* to apprehend that that would be the result?

A. Yes, sir; and, therefore, all the way along, and there, also, unusual precautions were taken for the protection of private property.

Q. Did not you, yourself apprehend that on the taking of Columbia the burning of the city would be a probable result on the capture of it at that time?

A. I did not, because I thought we had sufficient power over our force to prevent anything of the kind, if anything of the kind was meditated, of which I had no evidence.

Q. Which portion of the army first entered Columbia?

A. General Stone's brigade of General Charles R. Wood's division of the 15th corps.

Q. At what time did General Logan's forces enter the city?

A. These were Logan's forces of the 15th corps.

Q. They were under the command of General John A. Logan?

A. Yes, sir.

Q. Was not that portion of the army more reckless in the destruction of property than any other portion, if there was any difference?

A. I think not; I do not know that one part of the army under General Sherman was more mischievous than another part during this march; that is my firm belief.

Q. Was not General Logan's force distinguished somewhat for the destruction of property?

A. Yes, sir; part of the 15th corps were rather remarkable, prior to this campaign, for the destruction of property; they had been under orders to do it more than other forces.

Q. Was that the part of the army that entered Colbmbia first?

A. Yes, sir.

Q. Do you say this disposition to destroy property, and the manifestation of hostile feeling, fell under your observation at Beaufort?

A. Yes, sir.

Q. What precautions do you say were used on entering Columbia to prevent that destruction of property?

A. The locating of a brigade as a police force, thoroughly posting it as you would post a police force in a city, and then the removal of the brigade as soon as something was discovered in the conduct of the men that led us to think some of them had been drinking to excess, and replacing them with another brigade, then the placing of the whole division in the city, and then the adding to that of another division of the troops and taking prisoners all who did any mischief, or who were perceived to do any mischief or wrong; this was an unusual precaution in this case, such as we had not

early exercised in entering a village or city; we were unusually careful, I mean, in those precautions; there was a general order or rule by which we always posted a force.

Q. Did that police force precede the force which first entered Columbia?

A. Yes, sir; they took the whole brigade for a police force.

Q. That was called the police force?

A. It became a police force immediately upon entering the city under the command of officers. The orders with reference to the protection of the city, and as to what property was to be destroyed and what spared, were prepared by General Sherman and by myself very carefully before crossing that bridge.

Q. You knew, did you not, that this brigade which first entered, which you called the police force, was governed by this hostile feeling towards South Carolina as much as any other portion of the army?

A. I do not exactly see the bearing of that question.

Q. I will repeat it: were you not aware that this brigade which first entered, and which you call the police force, was governed by the same hostile feeling towards South Carolina that governed the army generally; that the police force themselves would be as apt to burn Columbia as any other portion of the army?

A. We had no such forces; our troops obeyed orders; they did not burn cities they were told not to burn, and they were not told to burn any cities, or anything else.

Q. The burning, then, and the destruction of the city was by order?

A. There was not any such order.

Q. Well, Columbia was burned?

A. Not by order; Columbia was burned, but not by any order of General Sherman's, or any of his officers at all that I know of.

Q. You have just said that no city was burned except by order?

A. If you will allow me to correct myself in regard

to the word "except," I would like it. I mean to say simply this: that our troops were under good discipline, and when they were sent to execute an order they executed the order; if they were sent to protect property they protected property; that was the general rule; whatever feeling any individuals might have, still they obeyed orders; they received and executed these orders; that was the general rule; and they did it well.

Q. Do you intend to be understood that as the army passed through South Carolina no property was destroyed excepting by orders of superior officers?

A. No, sir, I never said that; I said the very opposite.

Q. You said the army was under good discipline?

A. Yes, sir.

Q. And that no property was destroyed except by order; explain that if you please?

A. I did not say that at all; if I did, I wish to correct it; I did not say that no property was destroyed except by order, for a great deal of property was destroyed without orders all the way along by people who preceded the army, and by people who followed the army.

Q. Was that before you reached Columbia?

A. All the way along; all the way through South Carolina; before we reached Columbia, and after we reached Columbia.

Q. Wantonly and unnecessarily destroyed?

A. Often wantonly; I regard all that irregular work as wanton destruction of property, myself.

Q. With that general and ungovernable hostile feeling, was it not reasonable to apprehend that the capture of Columbia would result in its destruction?

A. It may have been, but I did not so apprehend it, and had sufficient faith in our discipline, and in the control of the officers over the men, to think that Columbia would not be destroyed. To show that I did not apprehend it, I lay down in the city and went to sleep, in a place where I would have been burned up.

Q. Did the entire army go into Columbia?

A. No, sir.

Q. What portion of it did?

A. General Logan's entire corps, I think, passed through the city, but only two divisions out of the four of which it was composed were on duty in the city; stragglers from different parts of the army, as I ascertained by prisoners that I took, were in the city.

Q. Could you give us the probable number of the force, or some idea of the force which entered Columbia?

A. I think the leading brigade had about two thousand men; General Wood's division had about 6,000 men; General Hazen's division about the same.

Q. About 14,000?

A. About 12,000 men; General Wood's division included the leading brigade.

Q. Was that the whole extent of the force that went into Columbia?

A. All that remained in the city; the other marched through and went to its camp.

Q. Did the entire army march through?

A. No, sir.

Q. What portion of the army passed through?

A. One half of my command; my command was 33,000 strong; there was a little over one half; I should say, about 20,000 men marched through Columbia.

Q. Is that besides the 12,000 that remained there?

A. Oh, no; there were four divisions of General Logan's corps; two of which were used in the city, and two were not.

Q. How long did the 20,000 men stay in passing through; did they stop at all in the city, or did they pass right along?

A. They did not stop at all, or leave the ranks at all, excepting those that we brought in for guards.

Q. How long did the 12,000 men remain in Columbia?

A. The first brigade was relieved and removed from the city before dark, I think, if I remember rightly, and it was replaced by another brigade about as strong as that. Then the remaining portion of General Woods division, and used until in the night, perhaps, at 10 or 11 o'clock. General Hazen's division was ordered

into the city to assist in the protection of the city, the property, and the people, in the midst of the fire when it was severe, and to prevent the extension of the fire. Then all those troops remained there until the next day.

Q. How soon, after the entry of that 12,000 in the city, did the burning of the city commence?

A. It commenced before we arrived there; two depots were burnt before we got there, and was smouldering when we arrived at the city, and the cotton was on fire in the streets; that was when General Sherman and I arrived.

Q. That is, the cotton was burning?

A. Yes, sir; in the streets, and the two depots were previously burned, and were smouldering.

Q. What was the state of the weather, and how was the road?

A. It was blowing a fearful gale.

By Mr. Walker:

Q. That was in the night?

A. All day; all day of the 17th and all night until 3 o'clock, when the wind changed.

By Mr. Bartley:

Q. Was there a heavy wind in the morning when you entered?

A. Yes, sir; it was blowing very hard; It was difficult for us to ride with comfort.

Q. You spoke of the railroad depots as being where the cotton was burned?

A. No, sir; the depots themselves were burned; one of them was the Charleston railroad depot.

Q. Was that depot in possession of the Federal army?

A. No, no; it was burned by the Confederates, without any doubt whatever; of course I didn't see it, but I know it from the official testimony; the Charleston depot was right upon the street, which is the prolongation of the Congaree bridge; the name of the street I do not remember, but, if I recollect rightly, the depot was on the right hand side as you go up from the bridge.

By Mr. Walker:

Q. On the extreme outskirts of the city?

A. Yes, sir; about half way up the hill; not on the extreme outskirts, but not far from the southwestern border.

Q. In what direction was the wind blowing?

A. From the northwest.

Q. And this was in the southwestern portion of the city?

A. Yes, sir; the other depot is in the northwestern part.

Q. Now, let us get back to the Congaree river again; when you crossed that river your forces were met by the mayor of Columbia; he surrendered the city, as I understand you?

A. Yes, sir.

Q. Do you know what the terms of capitulation were?

A. I do not.

Q. Do you know whether protection was promised to life and private property?

A. I know it was by General Sherman when he had an interview with him; that is my personal knowledge, but what passed between him and Colonel Stone I do not know.

Q. You do not know by official report?

A. No.

Q. Do you not know that the property of foreign subjects was promised protection?

A. I really think not, because none appeared; I did not see one; there was not one that I knew of who appealed to me as a foreign subject, but if he had, I would have looked into it, and protected his property if I could.

Q. At what time did the main army enter Columbia?

A. I should judge about half-past ten in the morning.

Q. The main army I mean, not the advance?

A. I know; I should judge about half-past ten in the morning.

Q. What time did the advance get in?

A. It was in the neighborhood of ten o'clock; it was

before ten; there was a little detachment which crossed the river in boats and got over there, arriving simultaneously; the exact time I do not know, but the time we arrived, I should judge, was between half-past ten and eleven, by my records.

Q. The main army between half-past ten and eleven?

A. Yes, sir.

Q. And went on in advance of General Sherman?

A. No, sir; they followed close *behind* all the way.

Q. Now, Von Moltke has said that the Americans were an armed mob?

A. He denies it, I believe; he says he never said it.

Q. I wish your opinion on that subject at the time of the entry of that army into Columbia?

A. I will give you my opinion by telling you that from the time I took command of the army of the Tennessee at Atlanta, and until we arrived at Washington city, no division was ever ten minutes behind time from the commencement of the execution of an order, and I never commanded an armed force in a better state of discipline.

Q. Do you not believe that the army entering Columbia was in as perfect a state of discipline as an army well could be?

A. As well as an army similarly situated could well be; I say similarly situated, because we were in the heart of an enemy's country and subsisting on an enemy's country; to accomplish this is the hardest problem a general ever has to solve.

Q. They obeyed commands readily?

A. Readily.

Q. Were under thorough discipline, in fact; I am very particular on this point?

A. Under very good discipline, indeed; if it was to march north, north we marched; if we wanted to attack the enemy, we attacked them; and if we did not, we did not.

Q. One of the witnesses in the case of Cowlam Graveley *vs.* The United States uses these words in his deposition filed in this case, on page 15 of the printed testimony: "I witnessed the 17th army corps march

through the main street, and was struck by the perfect order and equipment of the said corps?"

A. He must have meant the 15th corps that marched through the main street, I think.

Q. It does not matter about that; I do not care to be particular on that subject; he goes on to say that from the discipline of this corps it would have been easy to have prevented any pillage at that time if it was so desired; is that a fact?

A. I think it is not a fact, nor a fair inference from the discipline of the command.

Q. What I mean to say is, had you witnessed it, in marching through the main street, could you not have put a stop to any pillaging going on right in front of your eyes?

A. Yes, sir; certainly.

Q. You had troops enough under your command?

A. Certainly; I saw pillaging the night I was there, and put a stop to it instantly.

Q. Now I wish you to state to me on your oath when the main army marched down Main street, did you not find that the advance guard were disbanded?

A. No; they were not.

Q. The guard that had preceded you I mean?

A. They were not.

Q. Did you see at no time during the day disbanded soldiers of your army breaking into the stores?

A. No, sir.

Q. Publicly breaking into stores in the face of staff officers?

A. I did not.

Q. You know nothing of the pillage of Main street during the hours of daylight by your army?

A. No, sir.

Q You don't know of any store on Main street that was broken into?

A. I saw nothing of the kind, and nothing of the kind was reported to us at all.

Q. This is the first you ever heard of the pillaging of stores on Main street by daylight?

A. Yes, sir; the first I have heard of it.

Q. I do not ask you, of your own knowledge, but is this the first you have heard of the manner in which stores were broken into and publicly robbed by your troops; or if you object to the word "robbed," say "goods taken therefrom?"

A. I saw some parties during the night with my own eyes.

Q. I mean during the hours of daylight?

A. This is the first I ever heard of it; I did not know any such thing took place at all.

Q. If any of the officers of the United States army had witnessed such pillaging, was it not their duty to have prevented it?

A. Of course; at once.

Q. Was it not in their power to have prevented it?

A. Well, here was a little break in that power, in this case, owing to this unusual thing in giving whiskey to the men.

Q. I am speaking of the hours of daylight?

A. I say in the hours of daylight; if it had not been for that such a thing would have been impossible.

Q. Taking it for granted now that the officers marching through the streets with the main army during the hours of daylight, seeing the soldiers of your army disbanded and pillaging stores and shops on each side of their line of march, had they not it in their power to have detached a force sufficient to have stopped such pillaging along the line?

A. Any officer of sufficient rank could have done it; but that does not mean that a lieutenant might step out of one company and take possession of another company.

Q. Any colonel of a regiment could have done it?

A. Yes, sir; the whole demoralization of that first brigade was caused by the whiskey, and the brigade was replaced by another as soon as the facts were discovered.

Q. Was there not plenty of whiskey in the stores of Columbia, and in the shops of that city?

A. There was.

Q. If your men had broken into these stores is it not more than probable that they helped themselves?

A. It is more than probable.

Q. Are you prepared to state that neither officers under your command, nor other generals, or officers under their command, acquiesced in the destruction of Columbia by United States troops?

A. With the exception of this officer, whose name I gave you this morning, I do not know of one officer who acquiesced in its destruction.

Q. But you are not prepared to say that they did not?

A. No; you know there were five thousand of them there.

Q. Did the citizens meet you with hostility?

A. No; not me.

Q. I mean the troops, not you individually.

A. I could not say.

Q. Yet they gave them pails full of whiskey?

A. That was done kindly; I think it was done with a view of conciliating the troops; so I understood at the time, and I put it down so in the report.

Q. Taking it for granted that it was the desire of General Sherman, or of his superiors in command, to destroy Columbia, or have it destroyed, or to allow it to be accidentally destroyed, would it not have been easy for him to have had it done without giving any direct order?

A. Yes.

Q. I mean if there were such a desire on the part of General Sherman or his *superiors?*

A. We were so disconnected with everybody that there could not be any connection with his superiors about it; and they didn't know we were going to Columbia.

Q. I differ with you on that point, and therefore I put a hypothetical case; suppose even you yourself desired to destroy Columbia, or any other city, what corps of the army would you have been likely to have employed for that work?

A. I want to say to you that an answer to that question would be rather invidious.

Q. It is a question of the utmost importance to me.

A. There is a great deal of feeling between corps,

and for me to select a corps would be something I should not like to do.

Q. I insist upon a reply?

A. From my knowledge of the army I should answer you that a portion of the left wing of the then 20th corps, that had once been under my command as the 11th army corps, would have made the most complete destruction of a city of any in the whole army; I am sorry to answer the question, but you ask it so pertinaciously that I give you that as my opinion; Blenker's old division used to annihilate property more rapidly than any other I ever saw.

Q. Would not the 15th army corps have done the work as well?

A. The 15th corps did pretty well in the destruction of property, but I really do not think that they equalled the other.

Q. Had they not a reputation for doing their work of this character well?

A. They did work of every kind well.

Q. I allude particularly to their leaving their mark through the portions of country along which they passed, by the devastation of property; had they not a reputation for that?

A. Yes, they had; they were taken on several expeditions where the sole object was to cripple the enemy by the destruction of property, and I do not think there was any corps which had a reputation that exceeded theirs in the destruction of property; they gave a sort of a double twist to all the railroad iron they destroyed; twisted it around the trees, and then twisted it around itself again.

Q. They were pretty clever fellows, were they not, in their business?

A. They did it pretty well and pretty thoroughly.

Q. Did you ever have any idea of going to Charleston on this march?

A. No, sir.

Q. Didn't you think there was some chance of your being able to throw one of the army corps into Charleston?

A. None; I knew the plan of the campaign was not to go to Charleston at all, but the enemy thought we were going there, we went right up the right bank of the Saltkahatchee; I was second in command, and if General Sherman had been killed, I should have executed his general plan; I had no idea of going to Charleston at all; Charleston fell of itself.

Q. Did you ever hear anything of sowing Charleston with salt?

A. No.

Q. Was there not a general impression throughout the North that if Charleston was captured they would sow it with salt?

A. I do not know that; I think there was a kindly feeling towards Charleston, inspired by General Sherman himself, who had lived there quite a time.

Q. You think General Sherman had no such idea at any rate?

A. No; he had no idea of destroying Charleston in any way.

Q. You do not think he would have thrown the 15th corps into Charleston?

A. He could have done it, of course; he could have thrown in any detachment whether he pleased, but we didn't wish to do that.

Q. You do not know that he had that idea at one time?

A. Oh, I think he had not, or he would have told me; we conversed fully with reference to it; he may have had it in his mind at some time, but I did not know it.

Q. You say that the police force you stationed in Columbia were the 15th corps?

A. Yes, sir.

Q. You spoke of summoning a relief; please explain; was this relief summoned prior to your reaching the ground at the time of the conflagration or subsequent thereto?

A. Immediately on my going into the city; as soon as I observed these men under the influence of drink; that was the first relief, but the second was in the night.

Q. The second was in the night?

A. Yes, sir.

Q. What corps did those reliefs belong to?

A. The 15th corps.

Q. All of them?

A. All of them; the other corps was not there.

Q. Do you not know that the pile of cotton you speak of as having been on fire upon your entry into the city was extinguished?

A. They were endeavoring to extinguish it as we passed along, but I do not know that it was extinguished.

Q. Was it not under control?

A. Yes, sir; I thought so at the time, though the wind was blowing very furiously, and little bits were all over the trees, houses, and everywhere; when I first heard of the fire in the evening, I presumed, of course, that it came from that burning cotton; my presumption was at once that it extended from that.

Q. That is not your idea now, though?

A. Yes, it is.

Q. You believe that the conflagration in Columbia arose from the cotton that was burning?

A. Certainly.

Q. And nothing else?

A. Well, primarily, I think it did from that; of course the depots were burned prior to our entering the city, as I have said before several times; and there were, undoubtedly, fires set during the night by somebody; I say there were fires set during the night from my knowledge of directions; that is an inference from my common sense rather than what I observed.

Q. What portion of the city was the cotton in?

A. On what we call Main street, or Richardson street, not very far from the market, (referring to map,) between Laurel and the Statehouse.

Q. That would be to the southwest of the city, would it not, or due west?

A. No; you come in from the north, and extend right down the river, and when you are about half way to the State-house you find this cotton lying along the the street.

[The witness was here shown the map appended to the claimants' proof in the case of Wood & Heyworth against the United States, No. 103.] It was not far from the market-house, [pointing to a place on Richardson street, between Laurel and the capitol.]

Q. How large was this pile of cotton?

A. I couldn't tell you, it seemed to be strewn around.

Q. About twenty bales?

A. Yes, sir; perhaps more.

Q. And it was burning at 10 o'clock in the morning?

A. Yes; when we entered.

Q. And was most of it burned?

A. No, sir.

Q. A large portion of it?

A. It seemed to be on fire all along; it was not in bales; it was broken open; it seemed to be a kind of a common pile which was smouldering; they were playing on it with an engine when we came in.

Q. And the fire at night did not break out until after dark?

A. After dark was the first fire that I heard of, of any building on fire; but it was very soon after dark; just about dusk.

Q. You stated that some of your soldiers were burned?

A. Yes, sir.

Q. Arising from their drunkenness?

A. I so judged; it might not have been from that; the fires spread very rapidly.

Q. You stated that the penitentiary was full?

A. No; I did not state that it was full; I said broken open.

Q. You spoke of reckless mobs?

A. I did.

Q. Which came from the penitentiary?

A. Some of them.

Q. Do you know of your own knowledge of any one having been in that penitentiary besides one individual?

A. No, sir; not of my own knowledge.

By Mr. Wells, [appearing for claimants' cases, Nos. 371, 458 and 459.

Q. You say you knew, of your own knowledge, that Captain Carpenter was in prison; now you know not from your own knowledge, but from his report.

A. Yes; I did not see him there.

Q. You only know of his being in prison from his having reported to you?

A. He reported to me as a prisoner from that place; that is all the knowledge I have.

By Mr. Walker:

Q. You burned the public property in Columbia on the 18th or 19th of February, did you not?

A. Yes, sir.

Q. Do I understand you to say that subsequent to the night of the 17th you know that no cotton was destroyed?

A. No, sir; I say I do not know of any that was destroyed subsequent to that in Columbia.

Q. But you are not prepared to say that there was none destroyed by order?

A. No, sir; I am not prepared to say that there was not cotton destroyed; I can give you just what property was destroyed by my order.

* * * * *

(The witness here testifies as to Camden and Cheraw.)

Q. Was there any cotton left in North Carolina unburned in the line of march of the army?

A. Not to my knowledge; I did not intend to leave any.

Q. Did not all the officers and soldiers of the army act upon the knowledge of that general order to destroy it all?

A. No, sir; not the soldiers, and I think not the subordinate officers; General Logan would be better able to say than myself how he executed the order; but my impression is, as I have already stated on cross-examination, that it was generally done under the direct supervision of a staff officer detailed for that purpose.

Q. And the destruction of cotton belonging to private parties in South Carolina was regarded as a military necessity to cripple the Confederates?

A. Yes, sir; a very large proportion of the cotton was in private hands.

Q. Would not the destruction of the railroad and depot have effectually prevented the making of cotton valuable to any person?

[Objected to as calling for an opinion.]

A. No; it would not have been effectual, because we got into the habit of repairing railroads so rapidly that they were soon replaced.

Mr. Walker:

Q. After the 15th corps had twisted railroad bars, could they be used again generally in a hurry?

A. Not often; that was not the way they did it; they would tear up some side road that they did not consider of any particular importance, and make their main stems; our troops used to build very rapidly; indeed, we had to; the enemy destroyed as rapidly as we.

Q. Had they so many lines through the South that they could tear up side roads?

A. Oh, yes, it was often done.

Q. Through South Carolina, on the line of your march?

A. No, sir, they did not repair our damage for a long time; that was the "end off."

Q. Don't you know from the number of railroad lines in South Carolina that they could not after you had done with them?

A. I think it would have been very difficult for them to have done it, but they might have repaired the main stem; that is, they could have got railroad iron enough to have done that; I mean for the main line of transportation through the country; one line across the State.

* * * * *

(Witness testifies here as to individual lots of cotton.)

By Mr. Mackey, (appearing for claimant's in case No. 228:)

Q. Do you know of any officer being under the influence of liquor on the night of the 17th of February?]

A. Yes, sir, I saw one in the night; I did not know his name.

Q. What rank was he?

A. He was a Lieutenant.

Q. Did you see any during the day?

A. No, sir, I never saw but this one under the influence of drink, and he was a Lieutenant.

Q. Did you hear of any?

A. Yes, sir.

Q. Did you here of any being so?

A. No, I only heard of one.

Q. Besides the one that you saw?

A. Yes, sir.

By Mr. Wells:

Q. You say it was a matter of military necessity to destroy this cotton; will you state distinctly how this was a matter of military necessity, and why it was; I am referring, of course, to both private and public cotton?

A. One view was that the enemy depended upon the cotton more than upon any other product to raise means both to carry on the war and to prolong it, and therefore joined in the opinion that the destruction of the cotton would be the quickest way to bring the war to a conclusion to save the effusion of blood; on that ground and no other I put it.

Q. Were not the ports blockaded so that this cotton could not be shipped abroad at the time that this expedition was undertaken?

A. That I do not know; even if they were, still the fact of its existence was a fact of wealth among the people upon which the Government could eventually depend, particularly where they could take everything they had for taxes; so that the very fact of the existence of the cotton was something on which to build, and when it was destroyed it took away that foundation.

Q. Still, if there was no exchangeable value arising from this cotton by shipping abroad, could the Confederate Government reasonably be supposed to obtain any

resources from it, and was the United States Government and its army justified in destroying private property upon such a basis?

[Objected to by counsel for the United States as calling for a matter of opinion, and asking the witness to decide a question which it is for the Commission to decide.]

Mr. Wells:

The witness said it was a military necessity, and I ask wherein and on what basis?

A. My answer to it would be this: that as long as the Confederate bonds had any value in a foreign market, that value must of course be based on some credit—the belief in the holding of some property; the reality we could not destroy, but the cotton which was so valuable, particularly at that time, was a matter of credit; the very existence of it was a matter of credit; people around knew they would get it eventually if it was not destroyed; my only argument ever in favor of saving it towards the close of the war in my own mind, and that I offered at times, was that now we were able to protect it, and therefore it would increase the products of our own country; but prior to that, I believed it would be a good thing to destroy it for the sake of bringing the war to a speedy conclusion.

Then, again, there was another way in which we regarded this matter of a military necessity; that nothing would impress the inhabitants so much as to destroy that which they regarded as of more importance to them than anything else, and upon which they then relied almost altogether for their income; the cotton, gins, and everything connected with it?

Q. Were not the United States forces now able to prevent, by the process which they had taken in cutting up the railway, this cotton from getting out into the market, and keeping it sealed up where it was?

A. That would be a matter really contingent at that time, while the Confederate armies were in the field. The moment Generals Lee, Johnston, Hardee, and Smith had surrendered, then, of course, we could pre-

vent anything of that kind, but prior to that surrender, of course it hung upon the result of engagements that had not yet taken place. I might also add General Hood to the list. As yet, we did not know that any engagement had taken place between General Thomas and General Hood.

Q. You have, I believe, stated in your examination that the general plan of your expedition was the destruction of all public buildings and all cotton along the whole line of march?

A. More than that; railroads also.

Q. And you also, as I understand, have testified, and do testify, that such general orders were given to the corps commanders, and handed down by them to inferior officers, and that they had acted, from the time you landed at Beaufort, upon that principle?

A. No, sir; I did not state that in that way.

Q. Well, how far will you state that to be the fact?

A. I will state that general orders existed for the destruction of the cotton, but I am not willing to state that the orders were handed down to the subordinates, for my impression is that the orders were executed by the staff officers of the General commanding in the army, the Generals commanding the wings, and the Generals commanding the corps, supervising the operation and reporting regularly when it was done.

Q. Would it not have been, as a matter of practical result, naturally the effect that the cotton would have been destroyed in the principal towns which you reached in your march, unless some specific order had been issued, under these general orders, restraining the destruction?

A. Certainly; we took great pains to see it done; it being the order, you know it was not worth while to shirk it; it was the general order to do it, and when I had an order to do anything anybody knew always that it would be pretty thoroughly done.

Q. Was there any specific orders issued restraining the destruction of public property, railways, and cotton in Columbia?

A. No; there was an order to do it; distinct and clear, given me before we crossed the river.

Q. A specific order to destroy?

A. Yes, sir; but to spare private property; that was on the order itself; you named public property altogether, and of a public nature.

Q No, I do not mean that alone, but I mean cotton, both public and private?

A. I will say certainly, that there were no specific orders to destroy the cotton in the city; I had command of the city entirely; I should not have proceeded to have destroyed the cotton in the city without consulting with the General in-Chief, who did not embrace it in his order to me; the reason was because there was a great deal of it in the city, and I did not know at that time how much longer he would continue his work of the destruction of the cotton; it was a question that we conversed about very often—General Logan, General Blair, and myself—how much longer it would be best for our Government to continue the destruction of the cotton; and then, again, I would not have done it because it would have endangered the burning of the city to have burnt cotton when the wind was blowing; I did not even undertake to destroy the buildings on account of it that night; I did not put the order in execution at all.

Q. Then, if you had, sometime at least, previous to the destruction of Columbia, grave doubts as to the military necessity of destroying this cotton you have described——

A. (Interrupting.) No; I had no doubts at all with regard to it, none whatever, but I was looking for a time when the necessity would cease; I began myself to feel very confident that we would thoroughly conquer in a short time, and I wished, of course, the moment I safely could, to see the destruction of all property cease; it is a great curse to a nation to destroy its property, as a general rule; but a military necessity presses you, and under that you destroy it; I have no pleasure in the destruction of property of any kind.

Q. Would not the soldiers naturally at Columbia, no

specific order having been issued restraining the destruction of private property, have engaged in it whether in liquor or not?

A. No, they would not; they did not at Cheraw, and they did not at Fayetteville.

By Mr. Walker:

Q. Do I understand you to say that your soldiers would not and did not burn cotton in Columbia?

A. Mr. Wells said, naturally, he wanted to know if they would not naturally have destroyed it, and I said *no*.

Q. I will put it in a form of a question; as a fact, did they not?

[At the request of counsel, the question at the top of the page was here read for the information of the witness.]

A. I thought you said cotton.

Q. I mean private property generally; of course, cotton, unless stored in some Confederate warehouses, is private cotton, I understand?

A. When you speak of a body of troops, you know what they are made up of generally; the great proportion of the men are honestly trying to do their duty, and in the ranks do not do a thing without orders; they do not go out and misbehave; but there are some men who are irregular and who commit mischief and do wrong; at Cheraw, I have an example in my mind with respect to private property; a man had a watch taken from his neck; he was frightened very much about it; in the presence of his wife and daughter he told me he felt very badly about losing it, and wanted to know if I let my soldiers take a watch off a man's person; I said no; "well," he said, "they did it;" I asked him to describe the man to me; his daughter did describe him; I found him out, had his head shaved and had him drummed out of the service. That shows what I did with a man who performed such an act; and our discipline was of that kind; but I know there were a great many men who would steal and rob and do all sorts of mischief.

By Mr. Walker:

Q. General, as a matter of fact, did not the United States army, or a part of it, under the command of officers, set fire to cotton when they were in the city of Columbia?

A. I do not know of any instance in which they did it.

Q. Can you say they did not?

A. No, I never can say that; it is impossible to say they did not; I have on my record a literal list of what was destroyed by my orders, and cotton is not embraced in it.

* * * * *

(The witness here testifies as to individual lots of cotton.)

Re-direct examination:

By Mr. Worthington:

Q. I wish to ask you a question that I dislike to propound, but some insinuations, which seem to be contained in questions which have been asked you in cross-examination require it; how happened it that the 15th corps, and not the 17th corps, first entered the city of Columbia; was it by your order or by the order of General Sherman, and was there any design in putting the 15th corps first; and if so, what was it?

A. No, sir; it was simply that the 15th corps occupied the right in our operations, and the 17th the left; they would naturally have the lead in going into Columbia.

Q. Was it by your order or General Sherman's order that that corps happened to have the leading position?

A. Mine; there was no selection and no election; it occupied the right in all these operations, and came first to the bridges; the left had its operations a little further to the left, and followed it naturally.

By Mr. Wells:

Q. You had simply to post them into position, I suppose, and they kept that position, and you would not naturally shift them from one position to another?

A. I would; sometimes I changed purposely to have the 17th corps in advance, particularly if the 15th corps had been some time in advance, when we were along the same line; generally they moved in parallel lines; I moved in three columns habitually, and sometimes four.

By. Mr. Worthington:

Q. Had the soldiers of the 15th and 17th corps, at any time previous while under your command, occupied cities in South Carolina and Georgia?

A. They occupied Beaufort, and they occupied Orangeburg previous to Columbia; they were not very large cities; they were towns.

Q. Had you any reason to fear prior to the hour you were aroused on the evening of the 17th of February and informed that Columbia was on fire, the destruction of the city or any part of it?

A. I had sufficient reason to fear that injury might be done to the city by irresponsible men connected with the army, or not connected with the army, to take all the necessary precautions, which I did; unusual precautions, I may say, for a commander of an army to take; generally speaking, I would have sent to General Woods to take charge of this city, and would have left him to do it himself without any positive specific instructions; I did not do it in this case; I have intimated that some of our soldiers felt specially aggrieved at South Carolina; they seemed to regard South Carolina as in a measure the cause of the war and of their sufferings, and for that reason I took unusual precautions, and I wished to protect private property; I often guarded private property, and sent guards many miles to do it, guarding against stragglers and irresponsible parties; my opinion with reference to the burning of Columbia is a different thing; your question is, had I any reason to apprehend it, and I am only showing what reasons we had to apprehend danger.

Q. Did you or not suppose the city was safe when you retired for the evening?

A. I did and went to sleep there.

Q. You have spoken of the excellent discipline of your soldiers; did that ordinarily continue after they had been furnished with liquor and made drunk; was it so easy for you to control them then?

A. It was not; the number that was under the influence of drink was comparatively small, and they were brought under guard in a very short time.

By Mr. Walker:

Q. Were not most of the places through which you passed on your route to Columbia, through South Carolina, destroyed by some one, you do not say who?

A. No; not so; Midway, when I left it, was in good condition; Mr. Simms' property was left in good condition; I sent through General Blair and protected his library by a sentinel.

Q. But don't you know a great many that were destroyed?

A. I went over the country afterwards, and it was pretty completely cleared out; I saw the chimneys and scarcely anything left in a great portion of the country [passing] through there; I went down through it, and that was what I observed.

* * * * * * *

(The witness testifies here as to Orangeburg and Blackville.)

O. O. HOWARD.

NOTE.—Upon reading over, by General Howard, of this deposition, he states, (referring to cross-question No. 77,) that he understood the question to refer to the leading brigade, and not to the whole army. Also, referring to cross-interrogatory No. 239, he states that he understood the question to refer to South Carolina, and not to North Carolina.

I, James O. Clephane, United States Commissioner for the District of Columbia, do hereby certify that at the request of Counsel for the United States, I caused

the above-mentioned O. O. Howard, deponent in the foregoing deposition, to come before me at the time and place in the caption mentioned; that said deponent was by me sworn to tell the truth, the whole truth, and nothing but the truth; that said deposition was reduced to writing by me, and was carefully read to or by deponent before being signed by him, and deponent then and there, in my presence, subscribed the same; and I further certify that I have no interest, direct or indirect, in the claim to which the above deposition relates, and am not the agent or attorney of any person having any interest therein.

Witness my hand, at the City of Washington, D. C., this 10th day of December, 1872.

JAS. O. CLEPHANE.

Adjourned till Wednesday, December 11th, 1872, at the same hour and place.

JAS. O. CLEPHANE,
United States Commissioner.

WASHINGTON, December 11th, 1872.

Commission met pursuant to adjournment.

Present, Counsel on either side.

The examination of witnesses was proceeded with, as follows:

Deposition of Wm. T. Sherman.

The deposition of Wm. T. Sherman, a witness produced, sworn, and examined on the part and behalf of the United States, in the cause above entitled, now depending before the above-named Commission, taken before me, James O. Clephane, United States Commissioner for the District of Columbia, at the City of Washington, D. C., on the 11th day of December, 1872, pursuant to a notice to that effect duly given by the Agent and Counsel of the United States.

Mr. A. S. Worthington appeared on behalf of the

United States; Messrs. George R. Walker, N. Dana Wells, and Edward Janin appeared on behalf of the claimants.

The said Wm. T. Sherman, having been first by me duly sworn to tell the truth, the whole truth, and nothing but the truth, deposes and says:

My name is Wm. T. Sherman; my age is 52 years; my residence is Washington, D. C.; I am a native of Ohio; my position is that of General of the United States army.

Preliminary question propounded by the officer taking this deposition:

Have you any interest, direct or indirect, in the claim which is the subject-matter of the above-entitled cause, or of this examination; if so, state the nature and extent of such interest?

Answer. I have none.

Being examined by A. S. Worthington, of Counsel for the United States, the witness further deposes and says:

While on my march through the South in 1864–'65, I was a Major General in the regular army; I am now "General of the army of the United States."

* * * * * * *

(The witness here testifies to occurrences in Georgia.)

Q. Please refer to any orders that were issued while you were in Savannah relating to private property, and to the maintenance of good order?

A. I find here (referring to a printed volume in his hand) one order dated 24th of December, 1864, referring to rules which were to govern the officers in regard to public and private property in the city of Savannah. It is No. 141, Special Field Order, and dated December 24th, 1864.

* * * * * * *

(Continuation as to orders and incidents in Georgia.)

Q. During the march of your army from Savannah to Goldsboro', North Carolina, what orders were in force concerning the preservation or destruction of property? Please refer to the orders by number and date.

A. (Glancing at the printed volume before referred to.) The same troops which had crossed from Atlanta to Savannah continued their march from the direction of Savannah northward, passing through the State of South Carolina in its whole length, and were covered by the same orders and the same rules of discipline which had prevailed previously.

[Objected to by Messrs. Walker and Wells, on the ground that they knew nothing whatever regarding the orders referred to; that they had neither seen the originals nor certified copies, and had no knowledge they were official; that while such orders may have been issued, contrary orders may have been issued the next day.]

Witness. All these orders have been printed and published over and over again.

Mr. Walker. No official copies have ever been furnished us.

Witness. They are all filed, and the War Department will furnish you with official copies whenever you ask for them.

Mr. Walker. It is not for us to ask for them, but for the United States to furnish them.

Q. Please state whether in your march through South Carolina, you at any time authorized the destruction of private property.

A. I did; corps commanders were at all times authorized to destroy private property where it fulfilled any military uses, and to the commanders of all detachments.

Mr. Walker. I must ask this question before you go on, General. I notice you have in your hand a printed volume, and that you are apparently reading from the same; I desire to know what it is you are reading from; I think I have a right to know that.

Mr. Worthington stated that he proposed to examine the witness in his own way, and if there was any objection it could be made regularly, and entered upon the record.

Mr. Walker. Then we object to General Sherman, in

his examination in this case, reading from a volume of which we know nothing, it never having been presented to us for our inspection.

Witness. The volume I have in my hand is my own memoranda, bearing my own signature, and what I state from it I desire to have regarded as testimony given in the case.

Mr. Walker. I must then inquire, General, whether that memoranda, of which you speak, is in your handwriting.

Witness. It is not; but it was printed under my supervision in the War Department, and every word of it was carefully examined before it went to the press, and has been since.

Mr. Walker. We object to it, as not being in the hand-writing of the witness, and we not knowing that the copy produced here is an official copy; and even if we were satisfied on that point, we would further object to it on the ground that the original, if in existence, is the best evidence, and should be produced.

Examination resumed:

Q. I will now repeat the question I asked you, and that is, whether at any time in your march through South Carolina, you authorized the destruction of private property; and, if so, in what instances, and for what purposes?

A. I required the destruction of all railways, depots, foundries, and arsenals; I generally, in person, saw that they were so destroyed; I never gave an order for the destruction of a private dwelling, more especially if it were occupied by a family.

Q. Did you authorize the destruction of cotton generally?

A. I authorized the destruction of cotton wherever encountered, regarding it as one of the principal resources of the enemy in carrying on the war; it was a saleable article, easily converted into money, which was notoriously used for purchase of arms in Europe; it was made the basis of one of the principal loans of the Southern Confederation.

[Mr. Walker objects to this testimony as being matter of argument.]

Q. During your march through South Carolina, how did your different corps communicate with each other at night?

A. By signals and by couriers sent from one to the other; generally by signals of rockets.

Q. About what time in the evening was it customary to send up these rockets?

A. As soon as the night was far enough advanced for rockets to be seen in the dark.

Q. By Mr. Walker. When necessary?

A. Always every night, to indicate the position of heads of columns.

Q. Do you know whether or not rockets were sent up on the evening you arrived at Columbia, for that purpose?

A. I did not see them, but I presume the order was obeyed, and from the head of every other column, some of which were twelve miles from there.

Q. You have heretofore been examined generally with reference to the burning of Columbia, in the case of James J. Browne, No. 37; do you re-affirm what was stated in that deposition?

[Mr. Walker objected, on the ground that no notice had been given them; that the testimony in that case was to be used in the cases in which himself and Mr. Wells appeared, and that they had had no opportunity of examining the testimony with a view to cross-examination.]

A. I testified in some case when in Egypt; I think it was in the month of February or March; I have not seen a record of that testimony since I gave it, but I take it for granted that what I swore to then was true; my memory of these events is very clear, and yet I always prefer to refer to dates and facts which are of record and in my possession.

[Objected to by Mr. Walker and Mr. Wells, on the ground that they were entirely ignorant of what the witness swore to on the occasion mentioned, nor was it stated by the witness.]

Q. State whether you authorized the destruction of any private property at Columbia, except such property as you have enumerated in your answer to the previous interrogatory?

A. None, whatever; on the contrary, I forbade the destruction of private property, libraries, colleges, and dwellings.

Q. Please state where you were when the fire broke out?

A. The fire was burning a day and a half or two days before we got into Columbia, but was local, confined to the big bridge across the river, the depot, known as the Charleston depot, close by the bridge, and the railroad depot on the opposite side of the town, known as the Charlotte depot, and cotton piled up along the various streets, and which was burning at least twelve hours before any soldier belonging to my army had gotten within the limits of the city of Columbia. On the night of our arrival, after we had been in quiet possession of the city for about twelve hours, a fire originated near the old market house; it must have been after dark, for I saw the light shining on the walls of the room in which I was, and sent one of my aid-de-camps down about a mile to see what was the matter, and he came back and told me that the drug store diagonally opposite the old market house was burning; that the wind was very strong, and the fire was spreading; I inquired if he had seen the commanding officer of the brigade, which constituted the provost guard, and if he was doing his best to prevent an extension of the flames, and he told me that he had seen General Charles R. Woods himself on the ground, and that the troops were doing seemingly all they could to check or limit the flames to that one block; that must have been about 7½ o'clock, in the evening; we had entered the town about 11 o'clock that morning. The fire continued to increase, and a second time I sent one of my aids down, becoming uneasy about it, and he returned, saying that the fire appeared to be beyond all control, and he had seen General Logan and General Howard there, whose troops occupied the city; Howard being in chief com-

mand; Logan in command of the 15th corps, and Charles R. Woods in command of the troops immediately quartered in the city; the fire continued to rage until after midnight, when I went down myself to walk around the burning district; I saw the flames carried sometimes two blocks by the force of the wind, and the fire spreading in every direction, and from natural causes; I assisted Mr. Simmons, who had married a Miss Wragg, of my acquaintance, to move his family and effects from the house threatened up to my own, which was the house of Blanton Duncan, then contractor for the manufacture of Confederate money; that family was removed, but the house, fortunately, did not burn; I was myself out until 4 o'clock in the morning, and I believe those troops worked as faithfully as any troops ever did.

[Mr. Walker objects to all statements of the witness based upon what others told him.]

I admit that I saw myself one or more drunken men, and ordered the arrest of one, to effect which, one of my aid-de-camp (Colonel Dayton,) had to shoot him with a pistol.

The fire was most fearful beyond all question; but I saw with my own eyes no fire originated, and I always supposed that it originated in that burning pile of cotton which I saw with my own eyes.

[Mr. Walker. I object to this statement of the witness, inasmuch as it is supposition.]

Witness. There is no supposition about it at all; I saw with my own eyes, about eleven o'clock that morning, as I rode in the City of Columbia, cotton piled along the main street, which, if prolonged, would run up against the State House, very near the old Market House, and very near that drug store where my aid-de-camp reported the fire had originated; the wind was very strong without a cloud in the sky, and it tossed and pitched the cotton about, lodging it in the trees and on the eaves of houses, all, or most of which were of wood, so that many of us were prompted to remark—I know I did, at least—that it presented the appearance of a snow storm; prior to the great

conflagration, immediately on reaching the central part of the city, myself and staff, General Howard, the immediate commander of the troops, following us, riding at my side, started to examine the city.

Q. By Mr. Walker: When was this?

A. In the morning on entering the city; we rode down to the railroad depot, which I have described as the Charleston depot, and found the depot burned and many piles of cornmeal and corn burning; we gave some direction to some of the soldiers who were there to pile aside the good, so as to save as much as possible, because we needed it; I continued my ride along the railway in the direction of some foundries, I suppose about five hundred or six hundred yards down the stream from the depot along the track, when some picket rode up to me and told me not to go too far, that the rebels were on the hill in sight and I might get a shot; turning back in the direction of the new State House I noticed a soldier coming down the street drunk; I called General Howard's attention to the fact, saying: "General, you had better look out or you will have hell to pay; you had better go and see about it in person."

Q. By Mr. Walker: This was in the morning, too?

A. Yes, sir; and before the fire broke out; he (General Howard) afterward reported to me that he had relieved the brigade of Stone—Stone's brigade being the first to enter Columbia, and constituting the provost guard—and had selected another brigade of the same division to act as provost guard, under immediate direction of General Charles R. Woods, an officer of the regular army, and an officer of as high character as any in this or any other country; he is still living; to him was entrusted the safety and general good order of the City of Columbia during our occupation; he is now, I think, in Newark, Ohio; he is still an officer in the regular army—Lieutenant Colonel, 5th infantry; I should suppose he could give as much personal testimony as any man living; General John A. Logan commanded the corps to which General Charles R. Woods' division belonged; he was also quartered

near Columbia, in the Preston House, which was not burned; the house in which I was quartered was not burnt either; it was a little remote, separated by vacant lots from the body of the town.

[Mr. Walker desired to have it noted that his objection to the admission of testimony taken in Egypt was taken because neither he nor Mr. Wells had ever seen it, and therefore could not proceed to cross-examine the witness in regard to it; he wished it stated, further, that he was not prepared to say that he would not object to it if he had seen it.]

* * * * *

(Witness here testifies as to occurrences in Georgia.)

[Counsel for the United States here tenders to Mr. Walker a copy of the deposition of General Sherman taken in Egypt in the case of Joseph J. Browne, No. 37.]

[Mr. Walker states that he cannot withdraw his objections to the admission of this testimony, having had no time to look at it, and not being able to do so while the examination is going on. They must, therefore, as far as they are concerned, regard it as an *ex parte* statement, which they must object to being received in evidence.]

[Counsel for the United States desires the commissioner to note that counsel for the claimants retains the deposition.]

[Mr. Walker replies that he retains what purports to be a copy of the deposition.]

Cross-examination by Mr. Walker:

Q. In regard to the capture of certain horses in Columbia, were there orders for the capture of all horses?

A. Yes, sir.

Q. Horses, therefore, taken from different stables in Columbia were taken by your orders?

A. Yes, sir.

(Testimony as to occurrences before reaching Columbia.)

* * * * *

Q. Your idea upon leaving Savannah was to strike what point in North Carolina?

A. My point was Orangeburg; in the first place to cut Charleston off from Augusta by destroying a section of that road, and thence to swing around to Orangeburg and threaten the road from Charleston to the north by Florence; but before I had accomplished this last movement the rebel army in Charleston, commanded by William J. Hardee, had burned the place and evacuated it, and had escaped to the north; therefore it was unnecessary for me to take my army over on the Florence road.

Q. You thought, however, at one time of taking Charleston in the rear?

A. Never; I put out that idea for the purpose of misleading; I never proposed to take Charleston in the rear; I am very familiar with the ground there.

Q. And you never did, at any time, contemplate any such a thing?

A. I never, at any time, contemplated a direct attack upon Charleston.

Q. You thought at one time, however, of throwing a wing of your army into Charleston?

A. From the sea.

Q. You, at no time, thought of taking part of the army in which your immediate command was into the city of Charleston?

A. No, sir; I was aiming at the higher game, namely, Richmond.

Counsel. I am aware of that fact, General.

Witness. Upon leaving Savannah I ordered a division to be held in readiness at Port Royal, and to watch the effect upon Charleston when my army was to its rear, and if evacuated to take possession immediately, but if the army remained in Charleston to disembark at Bull's Bay and close the road which leads from Mt. Pleasant up towards Georgetown, which I knew would result in Hardee's getting out of that place very quickly.

Q. But you never had, at any time in the course of your march, any notion, nor any remote idea of throwing any part of your army into the city of Charleston?

A. I had not; in my official reports, which state my purposes, I there say that I regarded Charleston as a "dead cock in the pit already."

Q. Your idea, then, was to march your army through Columbia?

A. Yes, sir.

Q. Or by Columbia?

A. Right through Columbia.

Q. Were you at any time before crossing the Savannah river, or before reaching Columbia, aware of a strong spirit of vengeance—a desire for vengeance—animating your troops to be wreaked upon South Carolina?

A. I was; the feeling was universal, and pervaded all ranks.

Q. Officers and all?

A. Officers and all; we looked upon South Carolina as the cause of our woes.

Q. And thought that she thoroughly deserved severe treatment?

A. Yes, sir; that she thoroughly deserved extirpation.

Q. You had every reason to believe that the army would carry out their determination in this respect?

A. Except when restrained by order and discipline.

Q. General, it is alleged that Von Moltke has said that your army was an armed mob?

A. Von Moltke was never fool enough to say that; I have seen Von Moltke in person; I did not ask him the question, because I did not presume that he was such an ass as to say that.

Q. You deny that statement, do you?

A. Our army was as good an army as the Prussians ever had, and Von Moltke is a man of too good sense to have made any such statement as has been attributed to him.

Q. We have the strongest proof, General, of the fact that it was a wonderfully well disciplined army.

A. Von Moltke is a man of wonderful sense and sagacity, and I don't believe he ever said anything that could be tortured into that; he may have said that our

armies in America, organized as they were, composed as they were, and moving over a country so different from Europe, form no guide or rule in European warfare, but that the Prussian army did learn many a lesson, and profited by them from our war, is manifest, and they and their officers are prompt to acknowledge it.

Q. General, I have often heard your enemies in the South admit the perfect discipline of your troops?

A. We could not have done what we did do unless we had kept them under good discipline?

Q. Can you tell me anything about the 15th corps?

A. Yes, indeed, I can; I know all about it; they were as fine a body of men as ever trod shoe-leather.

Q. They had the reputation of doing their work well?

A. Yes, sir; thoroughly.

Q. Whether it was to ravish a country or take a city?

A. Strange to say, in the whole of our march I never heard of but two cases of ravishment, if you mean rape.

Counsel, Mr. Walker. I do not mean rape.

A. For going into a fight and going through a fight, they were the men they are described to be.

Q. Hadn't they a reputation in Mississippi?

A. They had a very high reputation in Mississippi.

Q. Had they not a reputation there for leaving their mark upon the country?

A. Yes, sir, they left their marks wherever they went.

Q. You were aware of this?

A. Perfectly.

Q. When you reached Savannah?

A. Indeed, I was; I knew every officer and every private in that corps.

Q. They were a wild set, were they not?

A. No, sir; they were composed of first rate men—farmers and mechanics, and men who are to-day as good citizens as we have in our country, but who went to war in earnest; they were mostly western men, from Ohio and Illinois.

Q. They were good men for destroying property?

A. Yes, sir; when told to do so, they destroyed it very quickly.

Q. When not told to do so, if they thought they might do it and it not be objectionable to their officers

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A. They could do their work very thoroughly when they undertook it.

Q. Were they in the habit of destroying property?

A. No, sir; I don't think they were more than was necessary; they were a very kind set of men, and I have known them frequently to share their rations with citizens, people along the country; I have often seen it done with my own eyes.

Q. Do you mean to say that you were not aware, when you were in the city of Beaufort, or say Orangeburg, before you reached Columbia, that the 15th corps were a corps distinguished for the marks they left upon the country through which they passed?

A. I may have known it, and very likely I did; I knew generally what was going on.

Q. I asked you did you know it; I should like you to answer that question; when you reached the village of Orangeburg, before you arrived at Columbia, were you not aware that the 15th corps were remarkable for the manner in which they left their mark upon the country through which they passed?

Witness. Explain what you mean by "mark?"

Counsel. Devastation.

A. They killed every rebel within range of their guns and left their dead bodies to mark the ground.

Q. Devastation of property, I mean?

A. As to devastation of property, no more than the rest of the troops; I think we supplied the hospital in Orangeburg, which was occupied by rebel soldiers wounded, and orphans and children who had been brought up from Charleston.

Q. Did you burn any property in Orangeburg?

A. Not a bit; they burned the property before we crossed the river; I was right opposite the river when we carried that bridge; I had been down to see Mower; passing down below the town, I passed along with

Mower's column, and arrived just in time to see Giles Smith's brigade go over; I was one of the first to get over into town and the town was burning then; I was told by a citizen there that it was burned by some Jew.

Q. I ask you if you ordered any property to be burned in Orangeburg?

A. I do not believe I did, unless it was some cotton, and I don't remember that; but the town was on fire before I crossed and got into it.

Q. You do not remember ordering the cotton of one J. W. Carmalt, to be burned.

A. No, sir.

Q. You do not remember an interview with Carmalt, and his asking you to preserve the cotton because it was British property?

A. I do not.

Q. You do not remember telling him that you could afford no more protection to British cotton than——

A. Than that of our own deluded citizens; that was my usual answer.

Q. Your usual answer was that you could afford no protection to cotton belonging to British subjects?

A. To any subjects more than to our own deluded people.

Q. Whatever cotton you might find, no matter whose it was, you believed it to be your duty to burn it?

A. The rebels left very little cotton for us to burn; Wheeler, who commanded the rebel cavalry—retreating before me—wrote to General Howard a note offering to abstain from the further burning of cotton if I would prevent the burning of houses; I wrote to him that I wanted him to burn all the cotton he could, because it would save us the trouble of doing it; we did not intend to hold the cotton, and therefore could leave nothing of value behind us which could be converted into money to be used in aid of the rebellion.

[Mr. Walker objected to anything that Mr. Wheeler told General Sherman.]

Witness. Wheeler did not tell me; he wrote a letter to General Howard, who handed it to me.

Mr. Walker. Then let us see the letter.

Q. I want this to be clearly understood, therefore I repeat the question; did you not tell all subjects of whatever nation they belonged to, that you could not protect their cotton, and moreover it was your duty to burn it?

A. I cannot recall having used that language.

Q. Well, language to that effect?

A. Nor do I recall the fact of any man having applied to me to protect his property by reason of being a foreign subject; but if any such did apply to me, I certainly would have told him pretty much as you have said; I would not undertake to protect his cotton, nor anybody else's cotton; I did not intend to stay there and protect it; I was going on.

Q. If a Colonel of one of your regiments, while foraging, met with a store-house containing cotton, would it, or would it not, have been his duty to burn it?

A. Yes, sir.

Q. Without receiving specific orders to do so?

A. Yes, sir.

Q. How far above Columbia did you cross the Broad and Saluda rivers?

A. I should suppose about three miles.

Q. You sent on an advance detachment; did you not?

A. Whilst laying a pontoon bridge across Broad river we passed over the brigade, known as Stone's Iowa brigade, to cover the men whilst engaged in laying down the pontoon bridge.

Q. These men under Colonel Stone first preceded the column?

A. They remained on the opposite bank; deployed, of course, so as to prevent any of Wade Hampton's cavalry coming within rifle-shot of the place where the pontoon bridge was being laid; just about nine o'clock in the morning I was down waiting for that bridge to be finished, when I received a note in pencil from Colonel Stone, saying that the mayor had come out and surrendered the city, and asking orders; I told him to go right in; this was about nine or ten in the morning.

Q. Colonel Stone proceeded to the town?

A. Yes, sir; they were the first troops that entered the city of Columbia.

Q. Did you offer any terms or promise any protection to the city of Columbia or its inhabitants?

A. Never.

Q. You did not promise that private property should be protected?

A. Never.

Q. Did Colonel Stone?

A. No, sir; he had no authority.

Q. And you didn't promise at any time that the citizens would be safe in the enjoyment of their private property?

A. I made no promise; it is very probable I may have said that there was no necessity for being frightened, that we were not going to burn anything except arsenals, machine shops and foundries; but it was not in the form of a promise; if it was said it was a mere conversational remark, probably to the mayor or some of the people who came to me very much alarmed, as they naturally would be at the fall of their city.

Q. You, however, entered the city of Columbia with the main army about two hours later?

A. Yes, sir.

Q. I would like for you to be particular; please try and remember how long it was afterwards?

A. Stone's brigade could not have been in town more than an hour or an hour and a half before I came in; we came in very quickly; the pontoon bridge was nearly done when I got this message from Stone, and sent back and told him to go right into town.

Q. Most of the testimony filed in this case states it to be about two hours later; upon deliberation would not you think that about the time?

A. It was a very short time; I think we were in there before noon, and the day was pretty well advanced before we got the bridge done, and Stone was to uncover the bridge just before its completion.

Q. Wouldn't this be about correct if you were to say that the main army entered Columbia about 12 o'clock?

A. Near 11; I suppose nearer 11 than 12 o'clock—somewhere between 11 and 12.

Q. You were riding at the head of the column?

A. Yes, sir.

Q. With General Howard?

A. General Howard was by my side; he was commanding the right wing and I was commanding in chief; General Howard had his written orders made two days before as to what he was to do after we reached Columbia; our staffs rode right behind us, and then came the head of the column, which I think was the 2d division 15th corps, commanded by General Charles R. Woods.

Q. General Howard, then, I understand you to say, had orders from you as to the disposition of troops?

A. Yes, sir; the left wing didn't come within twelve miles; that wing passed Broad river, at Alston, from twelve to fifteen miles above Columbia; the right wing was composed of the 15th and 17th corps; the 15th corps was to pass through Columbia, right on the outskirts of it; the 17th corps was not to go into Columbia at all, but to stretch itself across the Winnsboro' road, ready to move on to Winnsboro'; the leading division of the 15th corps, commanded by General Woods, was to occupy Columbia, and the other two divisions to pass through and encamp just outside the town.

Q. These were your orders?

A. Yes, sir; that division was to furnish the usual provost guard for the city.

Q. The 17th corps, I understand you to say, were not to come into Columbia; they were to stretch across to the Winnsboro' road, and the 15th corps was to enter Columbia.

A. Yes, sir.

Q. When you entered Columbia did you meet any of Stone's brigade there?

A. I found Stone's brigade with their arms stacked, engaged in trying to put out that burning cotton which was piled in the main street, not far from the Market House, the pile of cotton being at least three hundred or four hundred feet long, and from two to three bales

high; they were endeavoring to extinguish the flames, so as to enable the train of the 15th corps, which would have to come right behind, to follow that road and to pass through; they were trying to make sufficient space around, so as to let them pass safely, especially the ammunition train, which it is a little dangerous to have pass near great fires; they were endeavoring to extinguish that fire; I found them in the act of so doing when I entered Columbia.

Q. A great many of Stone's troops were disbanded, were they not, and scattered about?

A. Pickets would be over the town, posted at intersections of such streets and in such places as Colonel Stone thought proper for the maintenance of general good order in the town.

Q. Were not a large number of them, at the time of your entry or shortly afterwards, not under orders?

A. They were scattered through the town, you know, like soldiers generally, when they have stacked arms; it is the custom to let a few men go off and get water or something of that kind, and they were probably out for such purposes.

Q. Did you see any stores along Main Street being broken into?

A. No, sir, I did not; Main Street was crowded full of negroes, escaped prisoners, and officers of our army who had been imprisoned there, but who had succeeded in making their escape; there must have been 300 there; I met the Mayor, Dr. Goodwyn, there, an old gentleman; I was still mounted, and he came up to my horse, and we had a conversation about one thing and another; and afterwards, on a second meeting, he told me which house he had selected for my occupation, namely, the house of Blanton Duncan, on a street at right angles with this main street and removed from it, I should suppose about one thousand yards.

Q. I understand you to say that you saw no pillaging going on along Richardson or Main Street during the hours of daylight on the 17th?

A. I did not.

Q. Nor anywhere else in Columbia during the hours of daylight?

A. No, sir.

Q. You were not apprised of it in any way?

A. I was not.

Q. You were not aware that almost every store along Main Street was broken into by men in Federal uniform?

A. I was informed by the Mayor that Wade Hampton's cavalry had gone through the town and plundered their stores before we got there; the Mayor himself reported that to me.

Q. I asked you if you are aware that these stores were plundered by men in Federal uniform subsequently?

A. I do not know anything about the Federal uniform being used by the rebels.

Q. I did not ask about the rebels; I asked a very simple question, and I want an answer?

A. I heard nothing of the plundering of stores by our men during the day of our first occupation of the city of Columbia.

Q. And know nothing of it?

A. I know nothing of it personally or officially.

Q. Do you know anything of it in any way whatsoever, individually, privately, or in any way?

A. No, sir; on the contrary, there was very good order in the city; I walked about the streets like everybody else that day, and saw nothing out of the way; a good many people came to see me and claimed protection, and I told them to go back home and behave themselves; I came across some of my old friends in Columbia, and paid them visits.

Q. I then understand you to say there was no plundering going on along on Main street when your main army passed through?

A. If there was I saw it not.

Q. You have stated to me that there was a general feeling through the army, pervading all ranks, of a desire to wreak vengeance—to extirpate, if I may be permitted to use your own words, South Carolina?

A. There was.

Q. Was that feeling shared in by your superior officers?

A. Not at all, unless it may be inferred from a paragraph in a letter of General Halleck to me, which was published—published in the official documents—in which he said in case I took Charleston he hoped I would sow salt upon it, so that it would never resurrect; that is the only paragraph I can recall in any letter of instruction or communication to me during the time I was in Savannah or before.

Q. What was your reply?

A. My reply was, that if we took Charleston I supposed there would be very little left of it when we got through with it, but I did not intimate that I was going to Charleston, because I had made up my mind what course to pursue before that time; still my letter is a public letter, and is of record; it has been printed, I suppose; I can find it if you desire it.

Counsel. I am not particularly anxious to see the letter, if you can give me the substance of your reply.

Witness. I refer to the testimony given by me before the Committee on the Conduct of the War, in which I extract many of my own letters.

I think I used the language in a letter to General Halleck.

(Witness looking over a printed volume.)

I am now trying to see if I can find it. My language is:

"I will bear in mind your hint as to Charleston, and don't think salt will be necessary. When I move, the 15th corps will be on the right of the right wing, and their position will bring them naturally into Charleston first, and if you have watched the history of that corps, you will have remarked that they generally do their work up pretty well. The truth is, the whole army is burning with an insatiable desire to wreak vengeance upon South Carolina. I almost tremble at her fate, but feel that she deserves all that seems in store for her. Many and many a person in Georgia asked me why we did not go to South Carolina, and when I answered that I was *en route* for that State, the inva-

riable reply was, 'Well, if you will make those people feel the severities of war, we will pardon you for your desolation of Georgia.'

"I look upon Columbia as quite as bad as Charleston, and I doubt if we shall spare the public buildings there, as we did at Milledgeville."

At Milledgeville we did not destroy anything except the arsenal. Let me in this connection refer to General Halleck's letter.

Q. What is that you are reading from?

A. This is a volume of extracts from the report of the Joint Committee on the Conduct of the War, which I have had bound for my own immediate use.

(Witness read from letter of General Halleck the following extract:)

"Orders have been issued for all officers and detachments having three months or more to serve, to rejoin your army *via* Savannah. Those having less than three months to serve, will be retained by General Thomas. Should you capture Charleston, I hope that by *some* accident the place may be destroyed; and if a little salt should be thrown upon its site, it may prevent the growth of future crops of nullification and secession."

General Halleck's letter was not in the form of an order. It was among the letters—it was among the friendly letters which constantly passed between us.

Q. It was an official despatch, was it not?

A. He signed it with his official title.

Q. Printed, is it not?

A. Printed by me.

Q. Printed among the official despatches by the committee appointed by Congress upon the conduct of the war?

A. Yes, sir.

Q. You were one of that committee, were you not, General?

A. Nary time. They were after me; they did not have anything but Congressmen on their committee, of course.

Q. Had nobody but Congressmen?

A. Of course not. It was a Congressional committee; it was a joint committee upon the conduct of the war; I was a mere witness before them, and this is my testimony (holding up a printed report.)

Q. These despatches were furnished by you?

A. Yes, sir, by me, and a copy of them kept in the War Department here.

Q. How long had this cotton been burning before you reached Columbia?

A. I cannot tell, of course.

Q. You say a day and a half?

A. No, I do not; I say it was burning when we got there.

Q. Before you reached the city of Columbia—I do not mean arrived opposite—did you not say that the fire was burning a day and a half before you entered the city?

A. No, sir; I say the bridge had been burned, and the depot-buildings, a day or a day and a half before we crossed.

Q. Had been burned?

A. Yes, sir; had been burned down, and were smouldering; we could see it across the river not further than from here (the office of the British and American Mixed Commission, near the Treasury Department) to the President's house.

Q. Do I understand you to say that burning cotton flies in the air?

A. Indeed it does.

Q. About how many feet high in the air?

A. As many as 600 feet; yes I saw it fly, probably, from four or five hundred yards—fifteen hundred feet in distance.

Q. I do not mean rolling along the ground?

A. No, sir; I mean up in the air, like a fire-ball.

Q. How about height; does it rise above ten feet?

A. Yes, sir; 150 feet; whirling round.

Q. Balls of what size?

A. Probably 50 pounds, 40 or 50 pounds.

Q. How many feet in the air?

A. One hundred or 150 feet in the air.

Q. I do not mean when they are flying in the air?

A. I mean when they are picked up by the force of the wind and drawn down again through the narrow streets, as you have seen straws and cotton carried along and then blown away off.

Q. Was this a narrow street the cotton was blowing in?

A. No, sir.

Q. It was in an open street, was it not?

A. No, sir; it was in the main street; I suppose the main street must have been 80 feet wide.

Q. Were there trees on each side?

A. Yes, sir; but they were stripped of their leaves; they were dry; it was in the winter time, and the cotton was lodged all through the trees, hanging in clusters like snowflakes; there were some green trees; some of what we call the willow oak that were green, but the most of the trees were dry, deciduous trees, with the leaves stripped off, were of a dry kind.

Q. Columbia is a beautiful city, is it not?

A. Yes, sir, a very beautiful city.

Q. There were fine avenues on each side of this cotton?

A. No, sir, hardly room to pass on each side; when we got in they were hauling the cotton back so as to let the wagons pass when we entered that part of the street.

Q. There were fine avenues of trees?

A. Yes, sir, there were a good many trees.

Q. You say the cotton could lodge in the trees when it was flying away?

A. It did lodge a great deal in the trees.

Q. This was on Main street?

A. Yes, sir, on the street which prolonged, hits the new State-house.

Q. Richardson or Main?

A. I think it was the main street.

Q. That is the one leading to the capitol?

A. Yes, sir; from the direction from which we were coming; I called it the main street.

Counsel. That is the main street, there is no question about that.

Witness. We came right down on what is called Richardson street on this map, (referring to map heretofore introduced in evidence by the claimant;) it is the main street; we came right down where the stores are.

Q. Leading from the capitol up the river?

A. Yes, sir; I should suppose that burning cotton must have been three or four blocks short of the capitol; that is, before we got to the capitol, and the drug-store was on the right hand corner toward the fire.

Q. Can you state positively that you saw any house take fire from pieces of burning cotton?

A. I did myself; I saw in the night time—between two and four in the night—as I came down in the neighborhood of the fire and walked over to where Mr. and Mrs. Simmonds were living, and they came out on the porch; we stood there looking at this fire roaring, tearing down, and I saw Dayton and others, (and probably McCoy, of my staff, was with me,) and we were just watching; I was in supreme command, but I did not exercise direct command because there were plenty of commanding officers on the spot, and I thought that too many commanding officers would spoil any game; but I saw myself great masses of fire, consisting of both cotton and shingles thrown over our heads, and one mass of cotton and shingles set fire to a wood-shed, and there being soldiers close by I had the fire put out; it must have been at least three o'clock.

Q. How many blocks from the place where the cotton was?

A. There were two intervening blocks in view when I saw this with my own eyes.

Q. How far from the cotton you saw burning at 11 o'clock in the morning?

A. Probably six blocks.

Q. In what direction?

A. About northeast.

Q. What time of the night was it that you saw the light of the fire in your room?

A. The first light just after dark; it must have been about 7 o'clock in the evening.

Q. It broke out near the market, did it not?

A. Yes, sir.

Q. Where is the market?

A. (After referring to a map, made an exhibit by claimants in case of Wood & Heyworth.) On Assembly street, between Washington and Plain; I think the cotton was burned in Main street, near the corner of Plain or Washington, it may be.

Q. You saw this fire at 7 o'clock in the evening?

A. Yes, sir.

Q. You saw the fire at 11 o'clock in the morning?

A. I had seen cotton burning in the street—in the main street—and on two or three side streets, as I rode into town?

Q. How was it this fire surprised you more than the others?

A. From the brilliant flames; cotton in burning makes no flame, but I saw from the reflection on my wall that there was a house burning.

Q. Is not a fire from cotton easily kept under?

A. It is very easily kept under if you have plenty of force to do it, and there is not too much wind prevailing at the time.

Q. Are you not aware that fire was set to houses in Columbia by individuals?

A. I assure you I am not; I did not believe it then, and I do not believe it now; I have asked the escaped prisoners, one of whom is now staying at my house, and who was there a prisoner, and he tells me he saw with his own eyes carts hauling cotton down in the streets for burning three days before we got in; I will give you his name; his name is Captain S. H. M. Byers; he is now at my house on his way to Zurich, Switzerland; he will leave on Saturday.

[Objected to by Mr. Walker as not responsive to the question, and as being hearsay.]

Witness. You are pushing me a little beyond the extent of my personal knowledge, and, supposing you were sincere in your desire for information, I referred you to a party who was present at the time, and in a position to know the facts.

Q. You feel a great interest in the question of the burning of Columbia, do you not?

A. I do.

Q. Far beyond the value of money?

A. The value of money is nothing compared with the elucidation of the historic truth.

Q. You felt as soon as you saw the first signs of a general conflagration in Columbia that the authorship of it would be visited upon you?

A. Certainly; I knew I would be held responsible for it by everybody.

Q. And as a matter of deep personal interest to yourself, you are glad to testify to-day?

A. Perfectly so; it is my pleasure to testify at any time on that subject or any other, especially on this.

Q. You have, therefore, a warm personal interest in this question?

A. I have.

Q. And in vindicating yourself and the United States forces from the charges which have been and which you knew would be brought against you?

A. If I had made up my mind to burn Columbia I would have burnt it with no more feeling than I would a common prairie dog village; but I did not do it, and I therefore want that truth to be manifest; that is the interest I have in it; it is not a question of houses, of property, or anything of the kind.

Q. And you feel an interest in vindicating your army from the charge?

A. Yes, sir.

Q. You told me some time ago that you know in no way of houses being set fire to by individuals in Columbia during the night of the 17th of February, 1865?

A. I saw no soldier engaged in any act of conflagration except this young man who appeared to be drunk and running about, suspecting that he was engaged in some mischief—

Q. You did see one?

A. He was behaving badly; he was the man whom my aide-de-camp shot and brought to; I saw no soldier engaged in any act of incendiarism that night.

Q. Do you know of any individual firing private property on the night of the 17th of February?

A. I do not; he should certainly have been summarily dealt with.

Q. Do you not believe—I do not want what people told you—but do you not believe that individuals assisted in spreading that conflagration?

A. My own judgment was, that the fire originated from the imprudent act of Wade Hampton, in ripping open the bales of that cotton, piling it on the streets, burning it, and then going away, that God Almighty started wind sufficient to carry that cotton wherever he would, and in some way or other that burning cotton was the origin of the fire; after the fire begun, I have heard it intimated that some of our soldiers were engaged in spreading it; that is the answer to the question; my belief is, some soldiers, after the fire originated, may have been concerned in spreading it, but not concerned at all in starting it.

Q. Soldiers may have been concerned in spreading it?

A. Yes, sir; after it had been started; there was a little circumstance which occurred at the beginning, while I was still at the pontoon bridge, that I will mention right here; I received a note from a Sister of Charity, who kept an asylum or school in Columbia, alleging the fact that she was a teacher in a school in Brown County, Ohio, where my daughter Minnie was a pupil, and by reason of that fact she claimed protection to her school and to her property; I think I sent one of my staff officers, Colonel Ewing, to assure her that there was no purpose to disturb her or the property of anybody in Columbia; I have since heard that she claimed that I passed my word guaranteeing to her protection, on which she has based a claim for indemnification, &c.; now, of course, I did not want that school burnt with a parcel of little children.

[Objected to by Mr. Walker as not brought out by any question asked by him; and moreover, it is dependent upon statements which the General says he had heard some one else make.]

Witness—I went myself to see her afterwards; that is what I am getting at. The next day after the conflagration I went and found them all clustered in an adjoining house, and gave orders that they should have possession of some Methodist establishment, which happened to be vacant, and which would serve as a shelter until they could procure another place. Their school house was burnt down in the great conflagration of the night before; several churches were burnt in the conflagration, which, of course, I could not have desired.

Q. Do you know of any instances where soldiers or officers under your command saved private property in Columbia?

A. Yes, sir; several of my officers had their eyes burnt in trying to fight off the flames from private property in cases where they were appealed to, or had some personal acquaintance.

Q. When they were interested they saved property?

A. Yes, sir; all the forces on earth could not have stopped the fire in that part of the city, where the houses were mostly constructed of yellow pine; it was a providential subsidence of the wind that enabled us to get the fire under control about 4 o'clock in the morning; if the wind had continued I suppose the fire would have swept everything.

Q. In what direction did the wind blow?

A. I think it was a northwest wind; it came right down on our backs, I know, as we went down the street.

Q. Northwest?

A. I think it was; if my memory serves me right, the wind came down Richardson Street towards the capitol.

Q. It was a northerly wind?

A. I think so.

Q. Was it nearer north than northwest?

A. Well, I really do not know; I did not pay much attention; it was not my business; I am confident that when we rode down the street the wind was at our back, and from the Northwest; it may have shifted in

the night, but in the morning about 3 or 4 o'clock, the wind subsided considerably, and then the fire was enabled to be girded; we had a division of troops on duty; the whole of Woods' division was ordered in for the purpose of controlling the fire.

Q. Did you give any orders for posting sentinels?

A. No, sir; that was not my business.

Q. Do you know anything about it?

A. No, sir.

Q. Do you know what corps, or portions of what corps, were posted in the town that night?

A. The 15th corps.

Q. Posted in town?

A. Yes, sir.

Q. The whole of the corps?

A. No, sir; one division.

Q. Which division?

A. Woods' second division.

Q. Was Woods' the first one posted there?

A. Woods' division embraced the brigade of Stone, which was the first.

Q. Was there not a change in the night?

A. Yes, sir; the brigade first on duty, viz: Stone's, was relieved in the day time.

Q. Why were they relieved?

A. Because I had seen a drunken man on the streets and called Howard's attention to it, and told him to go and attend to the matter in person.

Q. Because you saw one drunken man on the street, you had the whole brigade relieved?

A. No, sir; I did not relieve the brigade; I said to General Howard, "there's a drunken man; there must be whiskey about somewhere, you go and attend to it in person;" he found more, I suppose; he can testify about that; he reported to me afterwards that he had relieved Stone's brigade and brought in a fresh one.

Q. What brigade did he bring in then?

A. I do not know.

Q. He brought in a brigade from Woods' division, 15th corps?

A. Yes, sir.

Q. You must have met sentinels in the course of the night at Columbia?

A. Yes, sir.

Q. Were they not sentinels acting as a police force?

A. The sentinels were outside of the district in which I lived; there were a great many patrols going about.

Q. And acting as a sort of police force?

A. Yes, sir; we always put the first brigade of a division in a town as a provost guard, and they generally took the Court House as the headquarters, and at once established a police, posting a few sentinels—three or four for instance—at the intersection of streets, and so on, around the town, for the purpose of maintaining general order in the place; we called them a provost guard.

Q. Stone's brigade, then, acted as the provost guard at Columbia until relieved in consequence of your observing the effects of whiskey?

A. Yes, sir; by General Howard, who had the general command; I had the general supervision; my mind was then up with General Slocum, of course, who was at Alston; then the rest of Woods' division was brought into town to fight the fire, and I suppose a great many stragglers came into town.

Q. There may have been stragglers in the town?

A. Yes, sir; from the 17th corps.

Q. But the police force was from Woods' division of the 15th corps, and all reliefs of that force were from the 15th corps?

A. Yes, sir; all the troops in Columbia were from the 15th corps, save such stragglers as may have strayed in from other commands.

Q. When you reached Columbia, did you consider it a military necessity to burn it?

A. No, sir.

Q. Was it a military necessity to destroy private property, property outside of arsenals, depots, &c.?

A. No; any property used for hostile purposes ought to have been destroyed and was destroyed; no private property ought to have been destroyed, except by way of retaliation for the very mean thing they did of

bombarding my sleeping soldiers in their camp the night before. After it was manifest to Wade Hampton that he had not force enough to prevent my occupation of Columbia, some battery was sent down to Granby, opposite our camp, and in the night time, when our men were asleep, they bombarded all night; in consequence of this uncalled for attack upon us I did at one time think of destroying Columbia, and publicly avowing this as the cause, but, on reflection, I said to General Howard: "I will let my order stand as it is;" the order, which was in writing, was to destroy the arsenals, machine shops, and everything of that kind, but to spare colleges, asylums and private property.

This was the written order, but at one time, in a moment of resentment, when these people, unjustifiably, and, I would almost say, cowardly, opened a battery of two guns, or four guns, across upon our camp when we were asleep; I was tempted to retaliate; if I could have gotten hold of those men I would not have spared them, or anything that belonged to them, believing it was done by Wade Hampton's orders.

Q. You think the men were bitter about that?

A. I know they were, and I was bitter, too, and for that very reason.

Q. Were the officers bitter?

A. They were bitter, too; we had no love for the place or the people that occupied it.

Q. If you were commanding a small force, opposing a large advancing force through your country, do you not think it would be justifiable for you to take every step in your power to annoy the advancing force; in other words cut off stragglers and attack them in every way you possibly can, and run away?

A. No, sir; it is proper to do everything you can to stay the progress of a superior army moving upon the country—proper to do anything which would produce a good result, but anything which provokes, which is pure, wanton mischief—such as murdering instead of capturing stragglers, and killing them when in a state of repose—is not only bad warfare, but very bad policy; in war you do everything that will produce a

good result; if Wade Hampton had resisted me at the crossing of Broad river until he could not have held out a moment longer, I would have honored him for it, but in firing into my camp at the time he did, and under the circumstances he did, he must have known it was such an act as would exasperate the troops, and was perfectly unjustifiable.

Q. You do not think it was his duty to attack and kill you wherever he could?

A. No, sir, not in a cowardly way; he may oppose my heads of columns, or pick up stragglers, or place obstructions in the way—anything to oppose our crossing over into Columbia; all that would be right and fair in war, but to fire across into a sleeping camp, with a river intervening, with the foreknowledge that it would only kill a few miserable soldiers, rolled up in their blankets asleep, was inexcusable.

Q. Was the army animated by any bitter feelings in consequence of it?

A. Yes, sir; I do not think any one expressed that bitterness of feeling more intensely than I did; I expressed it openly.

Q. Did your men and officers share in these feelings?

A. They did; I regard Wade Hampton's firing into our camp that night as the basest act I ever heard of; I never knew of any instance in civilized warfare—and it has been my misfortune to be engaged in a great many struggles—I never knew of such a mean act as Wade Hampton was guilty of in firing upon my camp with no possible object in view, and the effect of which he knew would only be to kill a few poor, miserable devils, rolled up in their blankets and asleep in their camps in the night time; and that firing was kept up all night.

Q. You had no knowledge that Wade Hampton did it; you only learned it from general report?

A. Wade Hampton was in supreme command; Beauregard was in the town, but had left; Wade Hampton was in the town there; I hold him responsible for everything that was done in defence of Columbia; I admired the action of Butler in attacking my column, for that was

legitimate warfare, but what Wade Hampton did showed an utter absence of military skill; instead of firing into my camp of sleeping men, by which no possible good could be attained he should have undertaken to prevent our crossing at the Broad and Saluda rivers, which were left almost entirely undefended; fifty men could have held us in check for five days, and perhaps longer, but we met with no resistance at Saluda, and comparatively none at Broad river. I have forgotten the name of the little village where the battery was, but it is about three miles below Columbia; the battery was sent down from Columbia in the night time; about four miles below we had crossed the Little Congaree; there we had a pretty sharp fight with Butler, and he did first-rate; I was near the head of the column at the time myself; we got the crossing, and everything was clear ahead of us in our march upon Columbia; after going a little distance I ordered a halt, and we laid by and went into camp; in the night sometime somebody brought a battery down and fired into our camp.

Q. You say the army generally—all ranks—were exasperated by this conduct?

A. Yes, sir; very justly so.

Q. Do you think the spirit of vengeance and desire for retaliation of which you have spoken were modified by this act?

A. On the contrary, it was very much increased by it.

Q. The desire for retaliation in all ranks was very much increased?

A. Yes, sir.

Q. Did you fear the burning of Columbia by your army?

A. I did.

Q. Previous to your entry?

A. Yes, sir.

Q. You thought it more than probable that, exasperated by the acts you have stated, they would retaliate by burning the city?

A. I was, and wanted to avoid it.

Q. You have given us your suppositions in regard to

the origin of this fire; although you personally may not have ordered the burning of the city, would it surprise you if it could be proved to you that your army actually did it?

A. It would surprise me very much, indeed, if any officer, Howard, Logan, Woods, or any commissioned officer, was privy to the setting fire to any house in Columbia that night, but it would not surprise me if some vagabond did it without orders, and merely for deviltry; it would not surprise me if some of our escaped prisoners, or some of our own soldiers, aided in spreading the flames; I would be perfectly prepared to believe it if the evidence was spread before me that some one or more of our soldiers—because in an army of that size we had men capable of doing anything—might have assisted in the work of destruction; that it was concealed by their fellows: but, that any of my officers had a hand in it, either directly or indirectly, I do not, and will not, believe.

Q. If I were to submit to you now the testimony of some individuals in South Carolina, whose integrity you have no doubt of, that they witnessed the firing by Federal soldiers in the presence of officers?

A. Well, they would have to state the names of the officers, and if the officers denied it, I would accept their denial rather than any evidence of people in South Carolina; if the officers present were mentioned by name, or anything by which we could trace them down—say the officer of the guard at a certain point—then I would believe it; I would not, upon the mere say so, or even the oath of any person in Columbia that night, when he would state that he saw a fire kindled in a house, or in a shed, whereby it spread to the adjoining property, I would not believe it, unless it were confirmed by some of my own people.

Q. You have lived in South Carolina, have you not?

A. I was stationed there from 1841 to 1846.

Q. And know many of the people?

A. Yes, sir; I know a great many in Charleston; I was never in Columbia until I went on that journey.

Q. Aside from their political differences with your-

self, do you not believe them as a race—the upper classes, I mean—to be men of great integrity?

A. They are men of great honor and integrity; they are a very fine set of men.

Q. They carry it to an extreme?

A. They carry it to a nice extreme.

Q. Their chivalric notions are too extreme for the present age?

A. Yes, sir, entirely, and for common sense, too; I can give you an illustration of that: Mr. James Simmons, of Charleston, a gentleman in all respects, is a particular friend of mine; it was his brother whose house I had endeavored to protect that night, and to whose family I gave my own house, bed, and everything that was needed to make comfortable; as I was about leaving, I got out of our mess stores a tierce of rice and a barrel of hams; I divided the stores into two equal parts; one part I gave to Mrs. Simmons, and the other part to my friend (Mr. Walker's) namesake, I think she is; her maiden name being Poyas.

I said to them: "Now you are going to have hard times; these came from my own personal stores, and I propose leaving them for your use;" Simmons hesitated about receiving them, stating that he did not know but what it would be wrong, he being a South Carolinian, to accept a favor from an enemy; I said I thought he was a d——d fool; that I didn't care if he did starve; that I didn't give it to him, but to his wife and children." A man who would raise a point of honor at that time and under such circumstances, I thought his ideas of chivalry run a little beyond common sense, and yet, at the same time, Mr. Simmons was an educated and a very polished gentleman, and at that very time, I think, in office in the Custom House, in Charleston; he was a very clever gentleman, indeed, but when he made that point I must confess that I was a little provoked.

Q. You think, then, those South Carolinians, as a rule, are entitled to respect?

A. To the highest respect.

Q. Did you see any liquors given to your troops by the Confederates.

A. I did not, but I heard that a man in the drug store gave it out in a dipper, and I spoke to the mayor about it and asked him if he knew of any liquor in town, that I had seen one drunken man in the street; he told me there had been some left, and he had remonstrated with Hampton and Beauregard about leaving it in town to fall into our hands; they said they could not destroy it, because they might be held personally liable for its value afterwards; I asked him if he didn't know what an effect liquor has in a town like Columbia, and he said "General, I know it very well, and I remonstrated with Wade Hampton and Beauregard, and they answered they could not destroy this liquor without incurring personal liability;" it was some liquor in that very drug store, I think.

Q. Can you tell me why these rockets were sent up just prior to the breaking out of the fires?

A. To indicate the head of the column.

Q. Do you know that?

A. Yes, sir; I heard afterwards that some rockets had been discovered in some store, and that the soldiers fired them off; of that I know nothing at all, but I supplied the troops with rockets before leaving Atlanta, and at night the head of the column would indicate its position by sending rockets up.

Q. Do you not believe that your army during that night was under a state of perfect discipline and could have been controlled?

A. No, sir; not in that strict sense; you cannot control a body of men when you have got them dispersed to fight a fire.

Q. But you could have summoned them?

A. Yes, sir; I could have ordered the long roll, and they would have taken their ranks, and then the fire would have gone on; when men are dispersed fighting fire there can be no strict discipline.

Q. Were they dispersed before the breaking out of the fire?

A. Oh, yes, sir; when you disperse an army you lose the control of it, because you cannot give them orders through and by their captains and lieutenants; dispersing an army to fight a fire, you at once lose control of it.

Q. Were not the men dispersed before the fire broke out?

A. Oh, yes, sir; they were dispersed. You see, you stack arms and post your guards, and the moment the guards are posted, men may stroll around the street within the sound of the bugle or drum.

Q. You allowed the 15th corps, then, to walk the streets of Columbia?

A. I did not allow anything about it; I gave no orders about it.

Q. Your officers permitted it?

A. They did, of course.

Q. The 15th corps?

A. That is, one division of it. You see, there were about three divisions in that corps; one division of that 15th corps was allowed the general privilege of walking the streets, when not on duty and when not under arms; a large proportion—I suppose about one-third, that was the usual proportion—were stationed all round town, with arms in their hands; when not armed, and guards were all posted, then the men could go around town.

Q. I understood you to say that, knowing the character of the 15th corps, knowing its desire to burn Columbia, you yet suffered your officers—

A. I do not think I said I knew of any desire on their part to burn Columbia; I knew they had a deep-seated feeling of hostility to Columbia, but I do not think I said they had a desire to burn it.

Q. You testified, a little while ago, that it was very likely they might burn Columbia, and you permitted them, or your officers did—permitted them to go about the town?

A. I could have had them stay in the ranks, but I would not have done it, under the circumstances, to save Columbia.

Q. Although you knew they were likely to burn Columbia, you would not restrain them to their ranks, even to save it?

A. No, sir; I would not have done such a harshness to my soldiers to save the whole town; they were men, and I was not going to treat them like slaves; when the guards were posted, they were free to come and go, according to the rules of their respective brigades.

Q. Do you consider that the women and children, and foreign subjects resident in Columbia, were responsible for Wade Hampton's firing into your camp?

A. Of course not.

Q. On your line of march from Beaufort to Columbia, was there not a large destruction of private residences?

A. It was a very poor country, poor land, and there was very little private property there; I saw very little property destroyed.

Q. Don't you know that there was a large amount destroyed?

A. No, sir; I do not know, because I was at the head of the column, and none was done there; the men and negroes behind with the trains, as a rule, do more mischief than the heads of columns, so that individually I know very little of the destruction done in South Carolina; all I know is, that it was a very poor country, and there were very mean houses along the line.

Q. Did you enter Winnsboro'?

A. I did; General Slocum can bear testimony that the rebels fired that town before we got into it; his column entered it first.

(Objected to by Mr. Walker.)

I passed into the town and then turned and slept out in the field myself; I did not go into the houses.

Q. You know nothing, then, of your own knowledge, concerning the destruction of any property in Winnsboro'?

A. No, sir; the orders to burn cotton, however, were still in existence.

Q. Any soldier setting fire to cotton could be regarded as acting in accordance with the general order?

A. No soldier could burn cotton of his own volition.

Q. If cotton had been destroyed within the vicinity of Winnboro' by any party under the command of an officer, it would have been right under the authority of the United States?

A. Yes, sir.

Q. Do you know anything about Camden, South Carolina?

A. No, sir; I did not go there; Corse's division, 17th corps, I think it was, that went there.

Q. If cotton had been destroyed in Camden, South Carolina, would it not have been under the authority of the United States?

A. Yes, sir.

Q. While on that march, I mean?

A. Certainly.

Q. If property had been destroyed at Cheraw, would it not?

A. Yes, sir; we destroyed an arsenal and found a great deal of ammunition that had been sent up there from Charleston; by the way, we lost some men there by the explosion of powder.

Q. I understand you, then, if the United States soldiers, under an officer, seized or destroyed cotton on the line of this march, if the Commissioners should decide that it was not an act of war, the United States Government are responsible for it?

A. I will assume the responsibility of it and the United States can do what they please about it; I am not the United States by a great deal.

Q. Did you authorize the burning of cotton on the 18th of February, in Columbia?

A. No, sir; it was already burnt?

Q. No; I beg to differ with you on that point?

A. It was either all burnt or burning; there was no necessity for giving any orders; I gave no orders for burning cotton down there.

Q. If cotton had been found in Columbia and they had burnt it, they would have done exactly right?

A. Yes, sir; I would have assumed the responsibility.

By Mr. Wells:

Q. Before, or at the time you commenced your march inland from Beaufort, you had given general orders for the burning and destruction of all cotton on your line of march wherever found in public or private buildings?

A. No such orders were given?

Q. What were your orders?

A. My orders I delegated to corps commanders; the orders communicated to the army are dated, "Headquarters, Military division of the Mississippi, in the field, Kingston, Ga., November, 9, 1864. Special Orders, No. 120."

That order provides for the organization of the army into two wings, right and left.

Paragraphs IV, V, and VI of the order cover, I suppose, all the points of your inquiry, and I will just read such, and make them a part of my testimony.

The witness then read, as follows:

IV. "The army will forage liberally on the country during the march; to this end each brigade commander will organize a good and sufficient foraging party, under the command of one or more discreet officers, who will gather, near the route travelled, corn or forage of any kind, meat of any kind, vegetables, cornmeal, or whatever is needed by the command, aiming at all times to keep in the wagons at least ten days' provisions for the command, and three days' forage; soldiers must not enter the dwellings of the inhabitants, or commit any trespass, but during a halt, or a camp, they may be permitted to gather turnips, potatoes, and other vegetables, and to drive in stock in sight of their camp; to regular foraging parties must be entrusted the gathering of provision and forage at any distance from the road travelled."

V. "To army corps commanders alone is entrusted the power to destroy mills, houses, cotton-gins, &c.; and for them this general principle is laid down; in districts

and neighborhoods where the army is unmolested, no destruction of such property should be permitted; but should guerillas or bushwhackers molest our march, or should the inhabitants burn bridges, obstruct roads, or otherwise manifest local hostility, then army commanders should order and enforce a devastation more or less relentless, according to the measure of such hostility."

VI. "As for horses, mules, wagons, &c., belonging to the inhabitants, the cavalry and artillery may appropriate freely and without limits; discriminating, however, between the rich, who are usually hostile, and the poor or industrious, usually neutral or friendly. Foraging parties may also take mules, or horses, to replace the jaded animals of their trains, or to serve as pack mules for the regiments or brigades. In all foraging, of whatever kind, the parties engaged will refrain from abusive or threatening language, and may, where the officer in command thinks proper, give written certificates of the facts, but no receipts; and they will endeavor to leave with each family a reasonable portion for their maintenance."

There were no positive orders for the burning of cotton, but we regarded it usually as the means which enabled the Confederate Government to keep up the war; therefore, we regarded it as a thing to be destroyed, and, generally speaking, it was so destroyed.

By Mr. Walker:

Q. The practical working of the campaign, then, was the entire destruction of all cotton along the line of march?

A. We never went out of the way to search for it; whenever we encountered it we destroyed it; there were a great many exceptions, where personal appeals were made to me and other corps commanders, and the cotton was spared; there was always some good reason for so doing; I remember in Milledgeville, telling General Slocum, who commanded the place, that he might

exercise discretion, and he did spare the cotton, and spared some mills.

Q. You were aware, I presume of the destruction of cotton as you advanced, and you issued no order to restrain?

A. I left it to the army commanders.

Q. To your personal knowledge, there was no punishment meted out or orders issued by commanders restraining the destruction of cotton?

A. No, sir.

Q. And you considered it a meritorious work on the part of the army, and a decidedly advantageous work to the progress of the campaign, and to the advancement of the interests of the United States Government in the suppression of the rebellion to destroy this cotton?

A. Yes, sir: I looked upon it as a very obnoxious thing—as a thing which had prolonged the war—and, therefore, ought to be destroyed; it furnished the enemy with the sinews of war, namely, money; there was a party of Englishmen and other foreigners scattered through the country, were buying this cotton, and paying for it in bills of exchange on London and other places, which could be easily converted into powder, and into shot, and into arms, which were run in by a system of blockade-runners, that eluded our blockading fleets.

Q. At the time of the fall of Columbia, were not the ports of Savannah, Charleston, Wilmington—in fact, all the leading ports of entry in the Southern States—absolutely sealed to blockade-runners?

A. They were not; Savannah was, but Charleston and Wilmington were not.

Q. Were not Charleston and Wilmington practically sealed?

A. They were not.

Q. In your direct examination you have testified that in your march from Beaufort it was your purpose to cut off the railroad at Midway and at Blackville, and that you effectually did so?

A. We did that effectually.

Q. That action severed communication between the interior and Charleston?

A. No, sir, between Augusta and Charleston; Charleston had still other means—one going to Columbia, which passed east of the Edisto, and the road which branched off, and went up by way of Florence; there were two roads other than this road that I cut at Blackville.

Q. You say that you considered it a matter of necessity to destroy the cotton because it destroyed the sinews of war; didn't the destruction of this net-work of railroads in the interior practically prevent the shipment to the sea coast of all this cotton stored in the interior?

A. No, sir, they could haul it to the end of the railroad at the point where we let it remain.

Q. Do you not believe that the commissioned officers of the army understood that this destruction of cotton was approved at headquarters, and that they acted and may have acted at Columbia upon that general understanding?

A. Yes, sir; they may have acted under that general understanding in Columbia.

Q. And there were, for instance, captains with the detachments from their companies, lieutenants, and other commissioned officers who had been accustomed to the destruction of property, who, under the general recognition of the right of destruction as a part of the campaign, might have acted on the night of the 17th under that general feeling, and under that——

A. Not inside of Columbia, because there was a distinct command with the commanding officer designated; captains and lieutenants could not have had the command inside of Columbia; no lawful destruction could have taken place without the approval of the commanding officer of the place, General Woods; a commanding officer of a detachment sent away from the main body, who has nobody in his presence or near him superior to himself, necessarily acts upon his own authority, but if a superior officer is near him he is obliged to have his orders.

Q. If a detachment under the command of an officer were to approach a building, and the officer in command fire the cotton, would it not be presumed that the officer was acting under authority? that is, if the officer should ride up, and, in a formal, official manner, order his men to burn the cotton?

A. If he is an officer in charge of the party and that is a detachment from the main body, yes.

Q. I mean inside Columbia; if an officer had rode up to the store-house with a detachment of twelve men and said, "Set fire to that cotton," it is to be presumed that the officer had authority, isn't it?

A. Oh, nothing of that kind occurred, because the cotton would have to be rolled out and burned.

Q. He might have ordered it rolled out and burned?

A. Yes, sir.

Q. That is what was done?

A. He had a right to do that.

By Mr. Wells:

Q. How large a force did you throw into Columbia?

A. I suppose the 15th corps, then, mustered about 15,000 men.

Q. For what purpose did you throw so large a body of men in there, knowing this hostile feeling that existed?

A. Because of the road leading through it—the road leading out towards Camden; when you go through a town you go through, and camp the men outside.

Q. Camden was not in the plan of the campaign for this division?

A. No, sir; but you see Wade Hampton retreated on that road, and we followed him; he retreated in that direction; then, again, of course the troops on the outside of the town covered it from river to river—the 17th corps at the northeast and the other at the southeast.

Q. How do you account for the fire from that burning cotton in the streets at 11 o'clock in the forenoon remaining smothered and with a high wind blowing, as

you have testified to, for so many hours and not causing any destruction until after nightfall?

A. The motive we had in extinguishing the fire in that particular pile of cotton was to enable the trains belonging to the 15th corps, which had to go by that road, to pass in comparative safety; as soon as the train had passed and gone on to camp the fire was allowed to burn; we had no further interest in protecting it.

Q. In other words, knowing the existence of this high wind, and knowing the disastrous effects which would result from a fire, you had no interest in protecting this cotton—extinguishing the fire in the bales, and thus preventing the destruction of the city?

A. We had no reason to apprehend the large fire that subsequently broke out; I said we had no interest in protecting this particular cotton; it was pretty well burned down—burned down into a smouldering pile; I did not give it any personal attention; I do not think I looked back; I walked through the town a great deal that afternoon, but I do not think I went back to that burning district; there were so many rowdies down there, so many negroes and others hollooing and yelling that I did not care to mingle with them, and did not; I remember walking about in the suburbs; I did not go to that point again.

Q. If a detachment of soldiers, under commissioned officers, such as Captains, Lieutenants, and other commissioned officers, had been discovered burning cotton in warehouses in Columbia on that night, would they have been punished?

A. Yes, sir; if a Captain or Lieutenant had, on undertaking the destruction of cotton, burnt it inside of a dwelling, it would have been considered a very foolish piece of behavior; I can hardly conceive of such a case, because cotton is usually rolled out into the street and burnt there.

Q. But inside of a warehouse?

A. I suppose there would be no objection to burning cotton inside of one of those large yards, but of course not in a shed or inflammable building. But the work-

ing parties were not engaged then; we did our work of destruction in Columbia in broad daylight, and not at night.

Q. Hadn't the motive for the destruction of cotton in the progress of the war, for the overcoming of the rebellion, been in a considerable degree exhausted by the time you had reached Columbia?

A. Oh, no, not by any means; it was then on its death struggle.

Q. Do you know whether there had been any grave doubts on the part of your corps commanders with reference to the impropriety of the continuous destruction of cotton and similar property?

A. If they entertained any such, they never manifested it to me by word or deed.

[Counsel for the United States objects to this line of inquiry, because General Sherman, the Commander-in-Chief of the army that marched through South Carolina, was sole judge of what it was proper and right to destroy; his officers were bound to obey his orders.]

[Mr. Wells desires to have it stated in reply, that the witness was not Commander-in-Chief of the armies, the President of the United States being such, and that he was subject to the orders of his superior.]

By Mr. Walker:

Q. The 15th corps were noted for their ability to twist railroad iron, were they not?

A. Very well trained in it.

Q. After they had undertaken the twisting of railroad iron, it was not worth much?

A. Except for old iron; it was not fit for railroads any more.

Q. Did you have control of all connection between Columbia and Charleston at the time of your entrance into Columbia?

A. I think the Charleston road goes to Branchville, and then up to Orangeburg; when we went into Columbia, we controlled roads leading back from Columbia into Charleston.

Q. All local roads?

A. Not local roads, but railroads.

Q. You were in command of Savannah, were you not?

A. Yes, sir.

Q. You say, that when you started from Beaufort you did not expect to attack Charleston?

A. No, sir; I did not.

Q. You considered it probable that Charleston would be evacuated?

A. I considered if it was not, I would capture the whole garrison; but I thought Hardee was too smart to allow me to do that.

Q. When you reached Columbia, you were sure Charleston was a dead cock in the pit?

A. Yes, sir; "played out," as the soldiers used to say.

Q. You considered Charleston yours?

A. Yes, sir.

(Testimony as to matters outside of Columbia.)

* * * * *

Q. When you left Columbia, you placed your army between Columbia and Wilmington?

A. Yes, sir.

Q. Therefore parties in Columbia could not communicate with Wilmington?

A. They could have communicated by courier; that is all.

Q. What I mean to say is, that large transportation wagons could not have travelled between Columbia and Wilmington?

A. Oh, no, sir.

Q. I understood you to say that you considered Wilmington as pretty much in the same box as Charleston?

A. I considered it would become so as soon as I could cross Cape Fear River at Fayetteville.

Q. Had you any doubt about crossing Cape Fear river?

A. Not a particle.

Q. You are confident, as I understand you, that Savannah, Charleston, Beaufort, Georgetown and Wilmington, were in your hands?

A. Would come into my hands before I was done with them; I took them in the rear.

Q. You say also that at the time you reached Columbia you knew that Savannah, Beaufort and Charleston were practically in your hands, and that communication between Columbia and Wilmington was cut off by your army intervening it?

A. Savannah and Beaufort were in my possession; Charleston was not, nor was Wilmington, when we entered Columbia, but I considered the steps I was then taking would certainly result in the capture of both Charleston and Wilmington.

Q. Did you not consider when you reached Columbia that Charleston was practically dead?

A. Yes, sir; so far as any army could make it so.

Q. Did you station any garrison along your march?

A. Not one; I did not leave a wounded man on the road; I took every man right along.

Q. Is there any other port than those you have enumerated with which Columbia could have communicated?

A. Bull's Bay and Georgetown were open at the mouth of the Santee.

Q. Do you not know that Bull's Bay is a large open space, where your fleet could have gone in at any time unprotected, and that no large amount of cotton could have been shipped therefrom?

A. We could have gone into Bull's Bay at that time if we had chosen, and to Georgetown, too, I suppose; we could have taken them if we had seen proper to spend time enough.

Q. I am not talking about taking them, but you could have sailed in and taken a large number of vessels?

A. Yes, sir; Wilmington, I suppose, was the most important point for the blockade runners; one blockade-runner came into Savannah after we got possession; the fellow woke up and saw our flag, and did not know what to make of it.

Q. Just describe the state of the railroads that you met with in South Carolina; were there many?

A. The roads there are well defined; the road from Charleston to Augusta, where it comes to Branchville, branches off up to Columbia, and up to Augusta, and, at another point it branches off——

Q. Let me limit my question. There was one road that passed along the Congaree and Broad rivers which went up to Alston, and did not go any further; that is, only a few miles above Columbia; I think, 12 or 18 miles to the northwest, right up the valley of the Broad river; the other one is east of the town, and goes to Charlotte and up to——

A. We followed that road to Gwinnsboro'; in fact, we followed it up to a place called "Chester;" that is, some of my infantry went to Chester, but I turned the head of my column to the right, and went to Rocky Mount —to that river east; I forget the name of it; it is about 50 or 60 miles above Columbia.

Q. Did your 15th corps twist the rails?

A. Yes, sir; all the way up to Winnsboro'; then I turned off to the right.

Q. That road, then, was pretty well twisted?

A. Yes, sir.

Q. Now, take the only other road that I know of at that time from Columbia to Charleston?

A. That was on the big road; we only destroyed that from Orangeburg up to where it crossed the Santee; I suppose within about 12 or 18 miles; that is, between Orangeburg and the crossing of the river; I think it was the Santee; one branch of it was the Congaree.

Q. You know no other road out of Columbia?

A. None excepting those two, one to Charlotte, and one goes up the river to Alston, I believe.

Q. Were not those roads practically closed when Columbia passed into your hands.

A. Yes, sir; practically closed when I left Columbia.

Re-direct by Mr. Worthington:

Q. On the 17th and 18th of February, 1865, who was empowered to order the destruction of cotton, or other property in Columbia.

A. First myself, and next the commanders of the two wings, Howard and Slocum; next the commanders of the four corps; then the commanding officer of any detachment sent out from the main body, to whom was committed the destruction of any property from the necessity of the case.

Q. I meant to limit my question to property in the city of Columbia?

A. First, myself; then General Howard, General Logan, and General Chas. R. Woods; no one else.

Q. If soldiers, or subordinate officers without orders from those you have named, destroyed property in Columbia on the night of the 17th February, it was unauthorized?

A. Yes, sir; I do not think it was done except by detachments sent out for the purpose with orders.

Q. You have stated that you now feel a personal responsibility in regard to this matter; did you feel that personal responsibility on the night of the 17th of February, when you first saw on the wall of your room the light of the fire?

A. I did.

Q. What effect had it on you then and during the rest of the night?

A. To do my duty to prevent the extension of that fire, so as not to disturb the families of people living in Columbia, the quiet inhabitants of the place, and to prevent the usual clamor where a city was burnt, as in Pennsylvania.

W. T. SHERMAN, *General.*

I, James O. Clephane, United States Commissioner for the District of Columbia, do hereby certify, that at the request of Counsel for the United States, I caused the above-mentioned Wm. T. Sherman, deponent in the foregoing deposition, to come before me at the time and

place in the caption mentioned; that said deponent was by me sworn to tell the truth, the whole truth, and nothing but the truth; that said deposition was reduced to writing by me, and was carefully read to or by deponent before being signed by him, and deponent then and there, in my presence, subscribed the same; and I further certify, that I have no interest, direct or indirect, in the claim to which the above deposition relates, and am not the agent or attorney of any person having any interest therein.

Witness my hand, at the City of Washington, D. C., this 11th day of December, 1872.

JAS. O. CLEPHANE.

Mr. Walker desires to have it noted that the testimony taken in Egypt, a printed copy of which has been submitted by the Counsel of the United States, in this case, was not read on the examination, nor referred to in any way for the information of the claimants' attorneys, beyond the simple statement that it was filed in a certain case, and the handing of a copy to one of the attorneys, without his having any opportunity to examine it, unless he undertook to do so while the examination was progressing.

JAS. O. CLEPHANE,
United States Commissioner.

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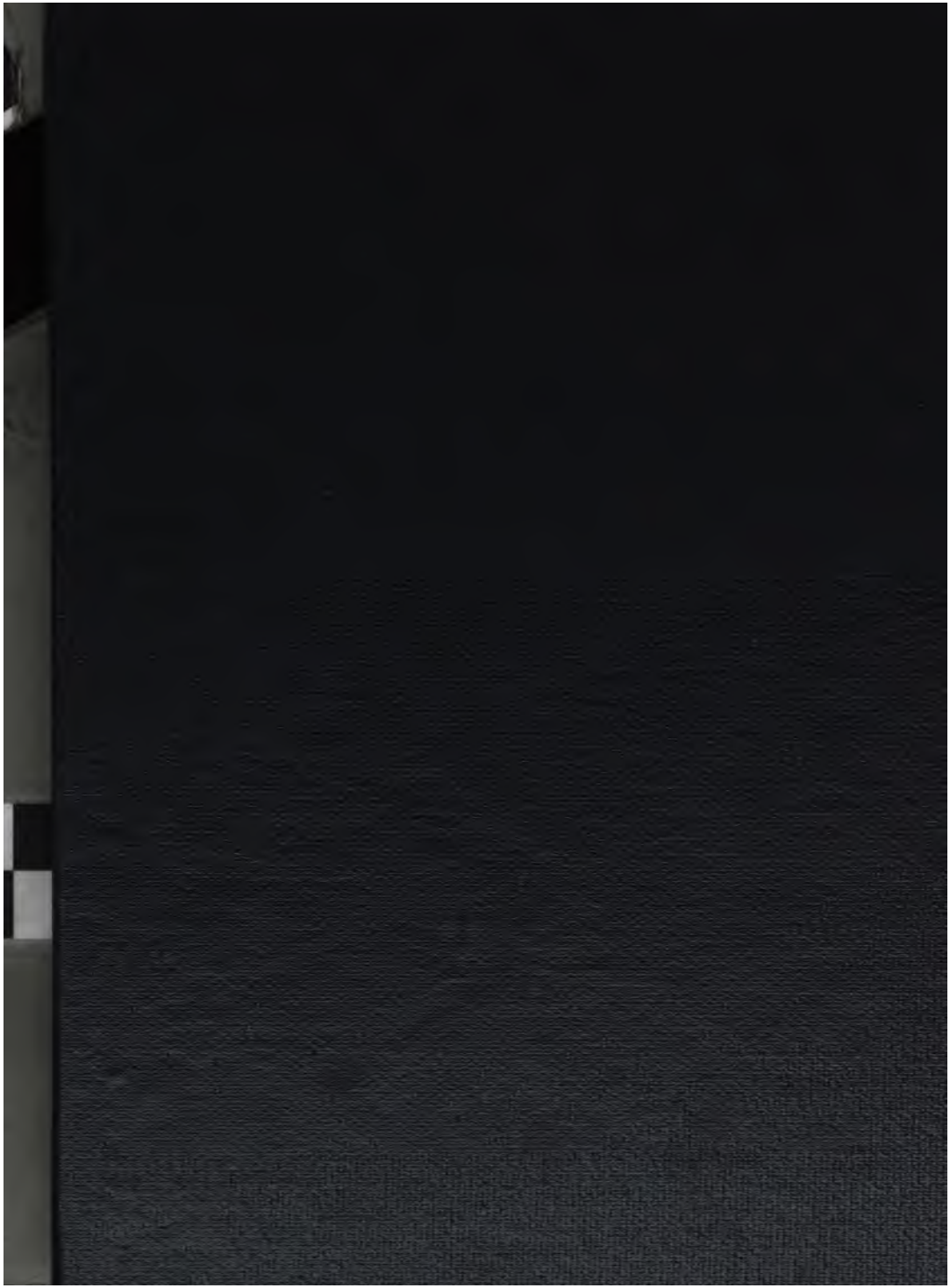
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